



Council Offices, Almada Street
Hamilton, ML3 0AA

Monday, 21 March 2022

Dear Councillor

Planning Committee

The Members listed below are requested to attend a special meeting of the above Committee to be held as follows:-

Date: Tuesday, 29 March 2022
Time: 10:00
Venue: By Microsoft Teams,

The business to be considered at the meeting is listed overleaf.

Yours sincerely

Cleland Sneddon
Chief Executive

Members

Isobel Dorman (Chair), Mark Horsham (Depute Chair), John Ross (ex officio), Alex Allison, John Anderson, John Bradley, Archie Buchanan, Jackie Burns, Margaret Cowie, Peter Craig, Maureen Devlin, Mary Donnelly, Fiona Dryburgh, Lynsey Hamilton, Ian Harrow, Ann Le Blond, Martin Lennon, Joe Lowe, Ian McAllan, Davie McLachlan, Lynne Nailon, Carol Nugent, Graham Scott, David Shearer, Bert Thomson, Jim Wardhaugh

Substitutes

Walter Brogan, Janine Calikes, Stephanie Callaghan, Gerry Convery, Margaret Cooper, Allan Falconer, Martin Grant Hose, Catherine McClymont, Kenny McCreary, Mark McGeever, Richard Nelson, Collette Stevenson, Jared Wark, Josh Wilson

BUSINESS

1 Declaration of Interests

Item(s) for Decision

- | | | |
|----------|--|-----------|
| 2 | Application P/21/0739 for Erection of Houses, Formation of Vehicular Access, Parking and Landscaping (Planning Permission in Principle) at Land Adjacent to 129 Main Street, Blantyre
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 5 - 18 |
| 3 | Application P/21/1616 for Erection of 294 Residential Houses with Associated Access, Roads, Landscaping and Associated Infrastructure (Approval of Matters Specified in Conditions 1(a-k), 2, 3, 4, 5, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25, 26 and 27 of Planning Permission in Principle EK/11/0202) at East Kilbride Community Growth Area - North Eaglesham Road, Jackton
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 19 - 40 |
| 4 | Application P/21/2071 for Erection of 155 Houses, Associated Infrastructure and Landscaping (Approval of Matters Specified in Conditions 1(a-r), 2, 3, 4, 5, 6, 8, 9, 10 and 12 of Planning Permission in Principle EK/09/0218) at Land 275 Metres Northeast of Easter House, Jackton Road, Jackton
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 41 - 54 |
| 5 | Application P/21/0638 for Change of Use of Communal Open Space to Garden Ground at Land Adjacent to 17-1 Hunthill Road, Blantyre
Report dated 10 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 55 - 66 |
| 6 | Application P/21/1014 for Erection and Operation of Wind Farm Consisting of 17 Turbines (12 Within South Lanarkshire) up to a Maximum Height to Blade Tip of 180 Metres (Consultation from Scottish Ministers Under Section 36 of the Electricity Act 1989) at Daer Wind Farm, Elvanfoot
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 67 - 100 |
| 7 | Application P/21/1335 for Erection of 3 Detached Houses with Detached Garages and Associated Engineering Works at Land at Baron Court, Thorntonhall
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 101 - 114 |
| 8 | Application P/21/0704 for Erection of Retail Development Comprising 3 Class 1 and 1 Class 2 Units and Formation of Access Roads (Including Access Road to Serve Adjacent Land), Car Parking, External Seating Area, Children's Play Area, Earth Works and Associated Works at Land to the North of the B764, Eaglesham Road, Jackton
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 115 - 134 |

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|-----------|--|-----------|
| 9 | Application P/21/1517 for Erection of 151 Houses with Associated Engineering Landscape and Infrastructure Works at Land 142 Metres East Northeast of 43 Clyde Avenue, Clyde Avenue, Ferniegair, Hamilton
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 135 - 160 |
| 10 | Application P/21/1177 for Formation of Car Storage Depot (Class 6), for the Storage, Distribution and Processing of Vehicles, Erection of Ancillary Buildings, Car Parking, Access and Associated Infrastructure at Land 220 Metres South Southeast of 12 Stroud Road, Stroud Road, East Kilbride
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 161 - 172 |
| 11 | Application P/21/0947 for Change of Use of Bookmakers to Hot Food Takeaway and Installation of Extract Flue at Rear of 253 Glasgow Road, Blantyre
Report dated 10 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 173 - 182 |
| 12 | Application P/19/1231 for Erection of 18 Flats with Associated Works at Land 48 Metres North of 5 Bosfield Corner, Bosfield Corner, East Kilbride
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 183 - 202 |
| 13 | Application P/21/0061 for Siting of Caravan For Use as Welfare Unit (Non-Residential) and the Erection of a Boundary Fence (Retrospective) at Land 140 Metres South of 1 Heather Road, Heather Road, Nemphlar, Lanark
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 203 - 212 |
| 14 | Application P/19/0776 for Formation of 36 House Plots at Land 130 Metres North of Greenacres, Access for Kersewell College from A70 to Kersewell Avenue, Carnwath, Lanark
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 213 - 240 |
| 15 | Application P/22/0056 for Section 42 Application for Variation of Condition 8 of Planning Permission P/21/1391 to Enable up to 15 Houses to be Occupied Prior to the Agreed Road Upgrade Scheme Being Implemented in Full at Land 115 Metres Northwest of 52 Rickard Avenue, Rickard Avenue, Strathaven
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 241 - 264 |
| 16 | Application P/21/1476 for Erection of House at 1 Gillfoot Nursery, Waygateshaw Road, Crossford, Carluke
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 265 - 278 |
| 17 | Land at Law Place, East Kilbride – Preparation of Supporting Planning Guidance and Development Brief
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 279 - 300 |
| 18 | Fees for Planning Applications - Update
Report dated 17 March 2022 by the Executive Director (Community and Enterprise Resources). (Copy attached) | 301 - 308 |

- 19 Scottish Government Consultations: National Planning Framework 4, 309 - 362
Local Development Plan Regulations and Guidance and Open Space
Strategies and Play Sufficiency Assessments Regulations**
Report dated 17 March 2022 by the Executive Director (Community and
Enterprise Resources). (Copy attached)

Urgent Business

20 Urgent Business

Any other items of business which the Chair decides are urgent.

For further information, please contact:-

Clerk Name:	Stuart McLeod
Clerk Telephone:	01698 454815
Clerk Email:	stuart.mcleod@southlanarkshire.gov.uk

Report

2

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0739
Planning proposal:	Erection of dwellinghouses, formation of vehicular access, parking and landscaping (Planning Permission in Principle)

1. Summary application information

Application type: Permission in principle

Applicant: Mr Iain McKillop
Location: Land adjacent to 129 Main Street
Blantyre
G72 0EL

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant planning permission in principle (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Planning permission in principle should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:
 - The provision of appropriate community facilities, either on site or off.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily, the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the developers.

3. Other information

- ◆ Applicant's Agent: Mohsen Najafian
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted April 2021)**
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy 15 - Travel and Transport
Policy DM1 - New Development Design

Residential Design Guide (2011)

◆ **Representation(s):**

▶	11	Objection Letters
▶	1	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Community and Enterprise Resources - Play Provision Community Contributions

Roads Development Management Team

Scottish Water

Environmental Services

Blantyre Community Council

Planning Application Report

1. Application Site

- 1.1 The planning application site is essentially rectangular in shape and extends to 0.26ha. The site comprises an area of vacant land. The planning application site is situated in the settlement boundary of Blantyre, within an established residential area.
- 1.2 Historically the site was occupied by residential properties and the topography of the majority of the site reveals it to be relatively level.
- 1.3 The site is enclosed to the north by Main Street, which is a busy main route through Blantyre with access from the A725, and there is a bus stop adjacent to the northern site boundary. The site is further enclosed to the north by residential properties and a care home. In addition, the site is enclosed to the east and to the west by residential properties. The site is enclosed to the south by residential properties and an area of vacant ground.
- 1.4 The surrounding area is predominantly characterised by traditional sandstone single storey and storey and a half semi-detached properties, with frontage onto Main Street. In addition, the area is also characterised by two storey terraced properties, which were constructed during the early 1960s.

2. Proposal

- 2.1 The applicant seeks planning permission in principle for the erection of dwellinghouses, the formation of a vehicular access, parking and landscaping at land adjacent to 129 Main Street. Blantyre.
- 2.2 An indicative site layout was submitted with the application which illustrates both vehicular and pedestrian access to the site from Main Street. The development would include semi-detached and terraced properties and the site could potentially accommodate up to 10 residential units. In addition, the proposal includes a landscaping buffer along the southern boundary of the site.
- 2.3 The application proposals were accompanied by a Design Statement.

3. Background

3.1 Local Plan Status

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan and its impact on residential amenity, traffic safety and infrastructure issues. The South Lanarkshire Local Development Plan was adopted in April 2021.
- 3.1.2 The planning application site is designated under the provisions of the general urban area in the adopted Local Development Plan. The site is affected by Policy 1 'Spatial Strategy,' Policy 2 'Climate Change,' Policy 3 'General Urban Areas,' Policy 5 'Development Management and Place Making,' Policy 15 'Travel and Transport' and Policy DM1 'New Development Design' of the adopted South Lanarkshire Local Development Plan.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, SPP requires councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by, where possible, directing development towards sites within existing settlements in order to make effective use of established infrastructure and service capacity.

3.2.2 Designing Streets - A Policy Statement for Scotland was introduced in March 2010 and establishes the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

3.3 Planning Background

3.3.1 There is no recent planning history relative to this planning application site.

4. Consultation(s)

4.1 **Roads Development Management Team** - have no objection to the development, subject to the imposition of conditions. These conditions include the widening and resurfacing of the existing footway, the provision of a minimum visibility splay, the submission of a Construction Traffic Management Plan and the construction of dropped kerb vehicular footway crossings.

Response: Noted. As the proposal relates to an application for planning permission in principle it is considered that appropriately worded conditions could be incorporated into any consent granted. This would require the submission of the above details for the Council's approval of the required matters specified in conditions application(s).

4.2 **Environmental Services** - have advised that they have no objection to the development, subject to the imposition of advisory notes relating to noise and nuisance.

Response: Noted. It is advised that these requirements can be addressed through the use of advisory notes, where appropriate.

4.3 **Scottish Water** - have offered no objection to the proposal.

Response: Noted.

4.4 **Community and Enterprise Resources Play Provision Community Contributions** – Requested to be consulted in relation to the planning application.

Response: The applicant would be required to enter into a Section 75 Obligation and/or other legal agreement with the Council regarding these contributions.

4.5 **Blantyre Community Council** - no response to date.

Response: Noted.

5. Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press. Following this publicity, eleven letters of objection and one letter of support were received in relation to the application. The grounds of objection are summarised below:-

a) **The applicant does not wholly own the land within the application site and instead this land is owned by a number of parties. In addition, the site has historically been the subject of a compulsory purchase order (CPO).**

Response: As part of the submitted planning application package, the agent has completed a land ownership certificate which identifies that the applicant is the sole owner of the application site. It should be noted that there is no obligation on the Planning Service to investigate the accuracy of an ownership

certificate and that no other third parties have submitted any legal documentation to demonstrate that they have land ownership over this site.

Notwithstanding the above, in this instance, the Planning Service have consulted the Council's Legal Services in relation to the land ownership of this site. Legal Services have advised that following the creation of the Land Registry system there has not been any ownership registered relating to this site (this would suggest that this is a historic title) and there is no record of a historic CPO associated with the site. Therefore, the Planning Service have accepted the ownership certificate and ultimately this issue of land ownership would require to be challenged through the court process by any third parties.

b) We have concerns that the proposal will result in overlooking, loss of privacy and overshadowing of neighbouring properties.

Response: The proposal relates to an assessment of the principle of the use of the site for future residential development. Any subsequent application(s) submitted for the approval of matters specified in conditions would have to take account of the design guidance contained within the Council's Residential Design Guide and be in keeping with established development in the surrounding area. Therefore, the further details relating to the proposed dwellings including height, window positions and similar information will require to be provided in the further application. Only at this later stage can the detailed impact on neighbouring properties be fully assessed.

c) Concern regarding the noise, disturbance, dirt and dust which will result from construction work at the site and the impact on mental health.

Response: Whilst it is generally acknowledged that the construction process can result in some increase in noise and disruption for nearby residents, it is noted that this is only in the short term until the completion of such developments.

Environmental Services were consulted regarding the proposal and have advised that they have no objection to the development subject to the use of appropriate informatives, including an informative relating to noise control. Notwithstanding the above, if the future level of noise or disturbance is considered significant then the Council's Environmental Services can be contacted as they have the statutory provision to investigate such concerns.

d) The proposal will result in additional traffic generation in the area and the availability of kerb side parking for the residents of 149-153a Main Street would be greatly reduced.

Response: The proposed vehicular access to the site is from Main Street. The development will include off-street parking associated with each residential unit within the site and therefore the proposal will not result in additional on-street parking in the area. In addition, Roads and Transportation Services were consulted in relation to the development and they did not raise any concerns in relation to these matters.

e) The development will result in environmental issues such as the removal of mature trees and foliage.

Response: The concerns regarding the removal of existing trees and foliage are noted. However, conditions can be attached to any consent which require the submission of a tree survey and the landscaping proposals for the development in any subsequent application.

- f) **Concern regarding the impact of the development of the site on wildlife and protected species such as bats.**
Response: The proposal relates to an assessment of the principle of the use of the site for future residential development. Any subsequent application(s) submitted for the approval of matters specified in conditions would require to include the submission of an ecological survey for the development site to identify the presence of any protected species. In addition, if protected species are found to be present, a species protection plan would require to be submitted to the Planning Authority.
- g) **Concern regarding road safety in relation to the proposed access to the site.**
Response: It is noted that the proposed vehicular access to the site is from a busy main route. However, Roads and Transportation have not raised any concerns regarding the proposed access although they have specified that appropriate sightlines are required to be provided at the proposed vehicular access on Main Street.
- h) **The sun path diagrams illustrating 9am and 5pm during May, submitted in support of the planning application, are incorrectly positioned.**
Response: The design statement which was initially submitted had illustrated the sun pattern for the site at 9am and 5pm during May incorrectly. The agent has revised the design statement to correct this oversight.
- i) **The drainage in my garden has never been very good. I am concerned that the works will result in further drainage issues for my garden.**
Response: The concerns relating to the exacerbation of existing drainage issues at surrounding properties are noted. However, the application for the further design and associated submissions will require to include a detailed scheme for treating surface water associated with the site.
- j) **Clarification is sought in relation to the proposed visitors parking.**
Response: The proposal relates to an assessment of the principle of the use of the site for future residential development and any subsequent application(s) submitted in relation to the site will provide clarification on this issue. The parking requirements will however accord with the National Roads Development Guidelines
- k) **Concern regarding the increasing amount of parked cars in the area and that the cars and parking provision associated with the site will result in an increase in pollution levels.**
Response: Further applications will require to provide adequate off street parking and therefore no additional cars would be likely to park on Main Street. The provision of the new access may result in a relocation of a small number of parked cars.
- l) **The proposal is adjacent to an existing bus stop and a lot of the community utilise the footpath on Main Street, including school children. It is considered that there is a public safety risk associated with the development.**
Response: Roads and Transportation Services were consulted in relation to the development and they have undertaken a detailed assessment of the proposal, including a review of the proposed access and visibility splays. They have advised that, subject to the attachment of conditions relating to any

subsequent application(s), they consider that the proposed development is suitable at this location.

- m) The applicant does not look after the site and there are rats who occupy it.**

Response: This is a matter outwith the remit of the Planning Service.

5.2 There was one letter of support received in relation to the proposed development. The key issues raised by the supporter were that they were glad to see the site developed as there was an infestation of vermin and fly tipping at the site.

5.3 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

6.1 The applicant seeks planning permission in principle for the erection of dwellinghouses, the formation of a vehicular access, parking and landscaping at land adjacent to 129 Main Street. Blantyre.

6.2 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan and its impact on residential amenity, traffic safety and infrastructure issues.

6.3 With regards to Government guidance and advice, as detailed in section 3.2, the site relates to vacant land which is situated within an established urban area and therefore it is considered that there are no significant issues raised by the proposal in this regard. In relation to Designing Streets, any detailed layout submitted with a subsequent application(s) for the approval of matters specified in conditions will require to comply with this guidance. It is, therefore, considered that the principle of the proposal is acceptable and is in accordance with national planning policy.

6.4 Policies 1 and 2 of the adopted Local Development Plan promote sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. The proposal involves the reuse of an area of vacant land, at a sustainable location in Blantyre. The development is accessible by public transport, in particular there is a bus stop directly adjacent to the site on Main Street. In addition, the site would also be integrated with existing walking and cycling networks. Therefore, it is considered that the proposal raises no issues within the context of Policies 1 and 2 of the adopted Local Development Plan.

6.5 The site is affected by Policy 3 of the adopted Local Development Plan which establishes that residential developments, and those of an ancillary nature, may be considered acceptable provided that they do not have a significant adverse impact on the amenity and character of the area. Subsequently, it is considered that the proposed development will not result in an adverse impact on residential amenity and therefore raises no issues within the context of Policy 3 of the adopted Local Development Plan.

6.6 Policy 5 and Policy DM1 of the adopted Local Development Plan relate to the design and layout of new developments and these policies identify that all development proposals will require to take account of and be integrated with the local context and built form. As the application is for planning permission in principle, limited details have been submitted with the application in terms of the detailed layout and design of the proposal. Consequently, any subsequent application(s) submitted for the approval of matters specified in conditions would have to take account of the design guidance

contained within Designing Streets and the Council's Residential Design Guide and be in keeping with development in the surrounding area. Therefore, the proposal raises no issues within the context of Policy 5 and DM1 of the adopted Local Development Plan.

- 6.7 Policy 15 of the adopted Local Development Plan seeks to ensure that development considers and, where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. The site is accessible by public transport and the development would be well integrated into existing walking and cycling networks. In addition, Roads and Transportation Services consider that the proposal is acceptable in terms of access and road safety issues. Subsequently, it is considered that the proposal raises no issues within the context of Policy 15 of the adopted Local Development Plan.
- 6.8 In conclusion, the proposal relates to the development of a vacant site, situated within an established urban area, for residential use. In view of the above, it is recommended that planning permission in principle should be granted subject to conditions and the conclusion of an appropriate planning obligation.

7. Reasons for Decision

- 7.1 The proposal will have no adverse impact on either residential, visual amenity, environmental matters or infrastructure issues and raises no issues within the policy context of 1, 2, 3, 5, 15 and DM1 of the adopted South Lanarkshire Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter, dated 5 May 2021
- ▶ Design and Access Statement, prepared by 13 Architect
- ▶ Press Advert, Hamilton Advertiser

- ▶ Consultations
 - Community and Enterprise Resources - Play Provision N/A
 - Community Contributions
 - Roads Development Management Team 26.05.2021
 - Scottish Water 06.05.2021
 - Environmental Services 01.06.2021
 - Blantyre Community Council N/A

► Representations	Dated:
Mr J Stewart, 125 Main Street, Blantyre, Glasgow, South Lanarkshire, G72 0EL	02.06.2021
Alexandra Blackburn, 47 Calderwood Drive, Blantyre, Glasgow, South Lanarkshire, G72 0HJ	03.06.2021
Mr Owen Madden, 149 Main Street Blantyre, Glasgow, G72 0EL	19.05.2021
Isobel Kane, Received Via Email	04.06.2021 04.06.2021
Mr Alexander Cuthbert, 53 Calderwood Drive, High Blantyre, Glasgow, G72 0HJ	06.05.2021
Mrs Joan Madden, 149 Main Street, Blantyre, Glasgow, G72 0EL	06.05.2021
Mrs Christopher Tomlinson, 37 Kingsheath Avenue, Rutherglen, Glasgow, G73 2DG	04.05.2021
Mr Robert Greenock, 22 Moorfield Road, Blantyre, G72 0RH	07.05.2021
Mr Andrew Pirrie, 51 Calderwood Drive, High Blantyre, G72 0HJ	10.05.2021
Mr Richard Rankin, 33 Meadow Avenue, High Blantyre, Glasgow, G72 0HQ	10.07.2021
Mr Robert Macgregor, 43 Stonefield Crescent, Blantyre, GLASGOW, G72 9TF	09.10.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Gail Neely, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455932
 Email: gail.neely@southlanarkshire.gov.uk

Conditions and reasons

01. That prior to the commencement of development on site, a further application(s) for the approval of any of the matters specified in this condition must be submitted to and approved by the Council as Planning Authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

These matters are as follows:

- (a) the layout of the site, including all roads, footways, parking areas and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) detailed cross-sections of existing and proposed ground levels, details of underbuilding and finished floor levels in relation to a fixed datum, preferably ordnance datum.
- (d) the design and location of all boundary treatments including walls and fences;
- (e) the landscaping proposals for the site, including maintenance details and details of existing trees and other planting to be retained together with proposals for new planting specifying number, size and species of all trees and shrubs;
- (f) the means of drainage and sewage disposal.
- (g) details of the phasing of development (covering all relevant aspects of development detailed in (a) above).

Reason: To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.

02. That the further application(s) required under the terms of Condition 1 above shall comply with the guidance on new residential development contained in the Council's Residential Design Guide and any subsequent updates of this document.

Reason: In the interests of amenity.

03. That a visibility splay of 2.4 metres by 43 metres measured from the road channel shall be provided at the proposed vehicular access on Main Street and the further application(s) required under the terms of Condition 1 above shall demonstrate that the applicant has control over these area within the adjacent properties.

Reason: In the interests of traffic and public safety.

04. That the further application(s) required under the terms of Condition 1 above shall include the following details:

- ◆ The provision of a vehicle swept path analysis within the development.
- ◆ The existing substandard footway- width along the frontage of the site shall be widened to 2m.
- ◆ The provision of a 5.5m wide dropped kerb vehicular footway crossing at the proposed access from Main Street.
- ◆ The provision of the first 2m (minimum) length of the access, which shall be measured from the rear of the widened footway, surfaced across its full width.

Reason: In the interests of traffic and public safety.

05. That the further application(s) required under the terms of Condition 1 above shall include details to demonstrate that each dwelling has access to their own electric vehicle charging (EVC) point and should identify the arrangements for the siting of the associated charging posts.

Reason: These details have not been submitted or approved.

06. That the further application required under the terms of Condition 1 above, shall include a detailed scheme for surface water drainage for the consideration and detailed approval of the Council as Planning Authority. Surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria and requirements and shall be agreed in writing with the Council in consultation with SEPA.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

07. That the further application(s) required under the terms of Condition 1 above shall include a Construction Traffic Management Plan which provides details of access and parking provision for staff and visitors, intended working hours, the management and storage of deliveries and further information regarding the provision of wheel washing facilities to prevent mud being carried on to the adopted road.

Reason: In the interests of traffic and public safety as well as to preserve the amenity of the surrounding area.

08. For the avoidance of doubt, the proposed drawings detailed in the submitted design statement are for illustration purposes only and do not relate to an approved residential layout.

Reason: These details have not been submitted or approved.

09. That the sandstone boundary wall along the frontage of the site, adjacent to Main Street, shall remain where possible and further details of the proposed removal of part of the wall to allow for vehicular access and footway provision to the site shall be provided in the further application(s) required under the terms of Condition 1 above.

Reason: These details have not been submitted or approved.

10. That the further application(s) required under the terms of Condition 1 above shall include the submission of a tree survey which identifies all of the existing trees within the site and those trees to be retained and measures for their protection during the course of the development.

Reason: In the interests of the visual amenity of the area.

11. That the further application(s) required under the terms of Condition 1 above shall include the submission of an ecological survey for the development site to identify the presence of any protected species and if protected species are found to be present the survey document shall include a species protection plan.

Reason: These details have not been submitted or approved.

12. That the further application(s) required under the terms of Condition 1 above shall include a proposed site layout with appropriate parking provision for the consideration and detailed approval of the Council as Planning Authority. All parking bays shall be in accordance with the National Roads Development Guidelines and the provision should be 1 parking space for a 1 bedroom property and 2 parking spaces for 2 and 3 bedrooms properties.

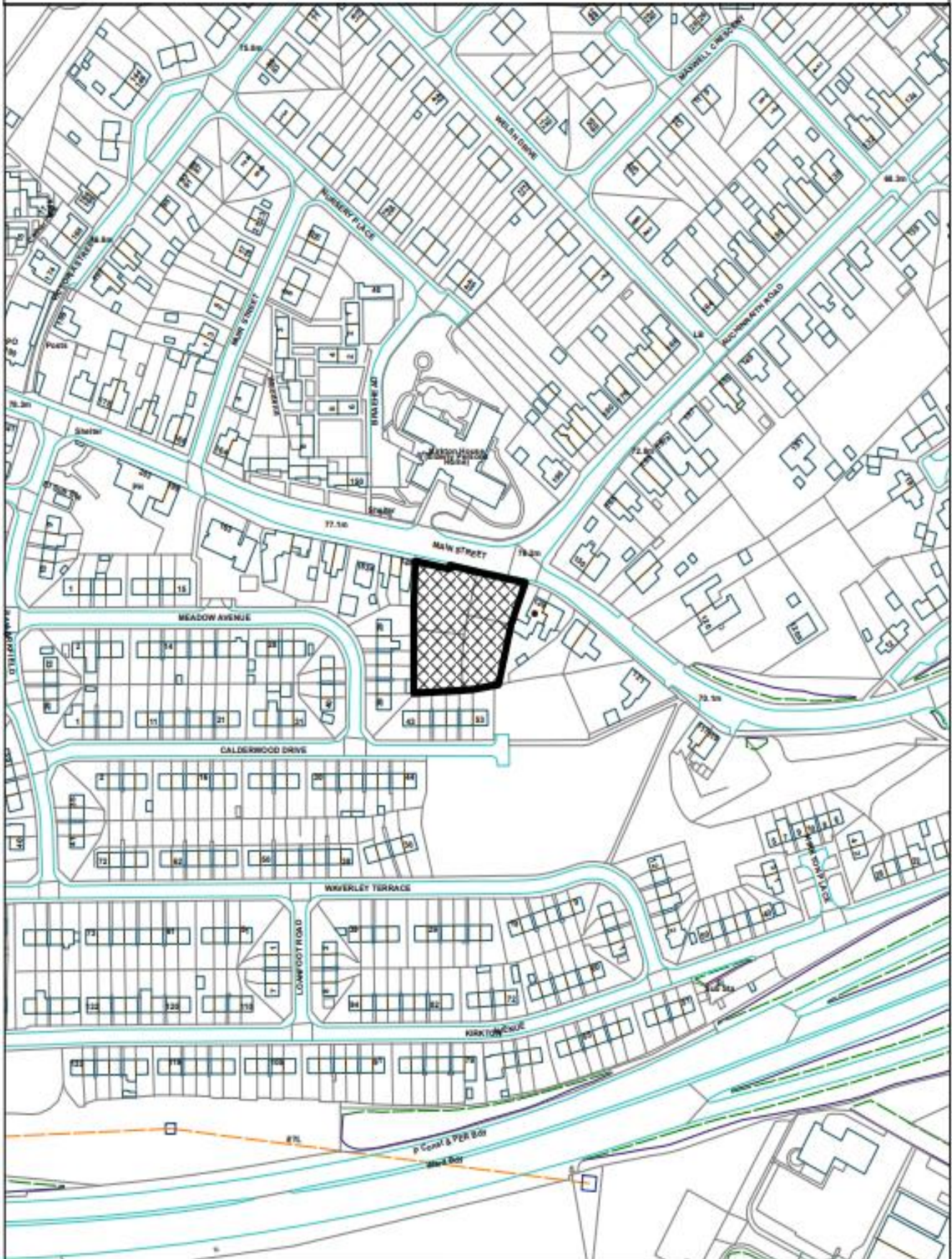
Reason: To ensure the provision of adequate parking facilities within the site.

13. That the further application(s) required under the terms of Condition 1 above shall include details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, for the consideration and detailed approval of the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

P/21/0739

Land adjacent to 129 Main Street, Blantyre



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Scale:
1:2,500
Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

3

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1616
Planning proposal:	Erection of 294 residential dwellings with associated access, roads, landscaping and associated infrastructure (approval of matters specified in conditions 1 (a to k), 2, 3, 4, 5, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 24, 25, 26 and 27 of Planning Permission in Principle EK/11/0202)

1. Summary application information

Application type:	Approval of matters specified in conditions.
Applicant:	BDW Trading Ltd / Jackton Estates Ltd
Location:	East Kilbride Community Growth Area - North Eaglesham Road Jackton South Lanarkshire

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Grant matters specified in conditions based on conditions attached.

2.2 Other actions/notes

(1) The Planning Committee has delegated powers to determine this application.

3. Other information

- ◆ Applicant's Agent: Barratt Homes West Scotland
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
 Policy 1 - Spatial Strategy
 Policy 2 - Climate Change
 Policy 3 - General Urban Areas
 Policy 5 - Development Management and Placemaking
 Policy 7 - Community Infrastructure Assessment
 Policy 11 - Housing
 Policy 12 - Affordable Housing
 Policy 13 - Green Network and Greenspace

Policy 14 - Natural and Historic Environment

Policy 15 - Travel and Transport
 Policy 16 - Water Environment and Flooding
 Policy DM1 - New Development Design
 Policy SDCC2 - Flood risk
 Policy SDCC3 - Sustainable Drainage Systems

South Lanarkshire Council Residential Development Guide (2011)

♦ Representation(s):

▶	2	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters

♦ Consultation(s):

Roads and Transportation Services (Development Management Team)

Roads and Transportation Services (Flood Risk Management Team)

Environmental Services

Estates Services

Housing Services

Strathclyde Partnership for Transport (SPT)

Scottish Water

SEPA

SP Energy Networks

Jackton and Thorntonhall Community Council

Planning Application Report

1. Application Site

- 1.1 The application site relates to land to the north-west of Eaglesham Road, Jackton, East Kilbride, which forms part of the East Kilbride Community Growth Area. The site measures approximately 15.5 hectares in size and comprises the bulk of the northern section of the Community Growth Area (CGA).
- 1.2 The site is bounded to the north-east by a recently constructed residential development, to the south-east by Eaglesham Road with a number of residential properties situated on Eaglesham Road also bounding the site and to the west and south by Hayhill Road and farmland areas. The eastern part of the site is generally flat throughout, however, the site includes a gentle upward slope towards the western site boundary. The Gill Burn traverses the site from north to south.

2. Proposal(s)

- 2.1 This planning application relates to a proposed residential development of 294 residential dwellings by Barratt Homes and David Wilson Homes on land situated within the East Kilbride Community Growth Area. The application seeks to discharge various conditions imposed on Planning Permission in Principle application EK/11/0202 for the development of the northern section of the CGA. Condition 1 of the Permission in Principle consent specifies that all relevant matters such as layout, siting, design, landscaping, drainage etc shall be submitted to and approved by the Planning Authority. The other conditions to be discharged specify in further detail what information requires to be submitted to deal with the relevant matters listed in Condition 1.
- 2.2 The proposed residential development comprises two distinct sections, separated by the Gill Burn which traverses the site from north to south. The proposals include the provision of 282 dwellinghouses, which are predominantly detached and semi-detached with a small number of terraced units also proposed. 12 cottage flats are also proposed to be constructed as part of the development. The development includes the provision of 40 on-site affordable housing units, with the remaining affordable housing provision to be provided through the payment of financial contributions through the original planning gain agreement secured as part of the Planning Permission in Principle approval for the site in 2020.
- 2.3 The proposals include the provision of two vehicular accesses to the site from Eaglesham Road, serving the northern and southern sections of the proposed development, which are also connected to each other via an internal road within the site which traverses the Gill Burn. A number of pedestrian accesses to the site from Eaglesham Road and Hayhill Road are also proposed to be formed, as well as a footpath connection to the adjacent, recently constructed, residential development to the north-east of the site. The proposals also include extensive landscaping, open space areas, play provision and SUDS ponds to serve the development. The proposals have been broadly designed in accordance with Designing Streets principles with dwellings fronting both the internal road layout as well as public open space areas.

3. Background

3.1 Local Plan Status

- 3.1.1 In land use terms, the site is identified within the South Lanarkshire Local Development Plan 2 (adopted 2021) as forming part of the East Kilbride Community Growth Area (Policy 1 – Spatial Strategy) and is allocated as a proposed housing site (Policy 11 – Housing).

3.1.2 In addition to the above policy designations, which provides the overarching local plan policy direction for the CGA, the proposed development is affected by a number of additional policies within the Local Development Plan, as follows:-

- ◆ Policy 2 – Climate Change
- ◆ Policy 3 – General Urban Areas
- ◆ Policy 5 – Development Management and Placemaking
- ◆ Policy 7 – Community Infrastructure Assessment
- ◆ Policy 12 – Affordable Housing
- ◆ Policy 13 – Green Network and Greenspace
- ◆ Policy 14 – Natural and Historic Environment
- ◆ Policy 15 – Travel and Transport
- ◆ Policy 16 – Water Environment and Flooding

These policies are further supported by additional development management policies contained within Volume 2 of the adopted Plan and discussed in Section 6 below.

3.2 **Relevant Government Advice/Policy**

3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. Furthermore, SPP states that the planning system should enable provision of a range of attractive, well-designed, high quality housing that contributes to the creation of successful and sustainable places.

3.3 **Planning Background**

3.3.1 Planning Permission in Principle application EK/11/0202 for the wider site was approved by the Planning Committee in March 2012, subject to the conclusion of a legal agreement to cover matters relating primarily to developer contributions. This legal agreement was subsequently concluded and registered allowing permission EK/11/0202 to be issued in September 2020.

4. **Consultation(s)**

4.1 **Roads and Transportation Services (Development Management Team)** – following detailed discussions between the prospective developers and the Council's Planning and Roads Services, the development layout has been adjusted to ensure that the parking, access and footpath specifications are in compliance with the Council's standards and to ensure that appropriate pedestrian and cycle connectivity is provided throughout the development and with nearby local facilities. On this basis, Roads and Transportation Services have confirmed that they have no objections to the proposals as put forward, subject to compliance with conditions and roads construction consent requirements.

Response: Noted. Appropriate conditions and advisory notes can be added to any consent granted.

4.2 **Roads and Transportation Services (Flood Risk Management Team)** – advised that they have no objections subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems and flood risk.

Response: Noted. Appropriate conditions can be attached to any consent granted.

4.3 **Environmental Services** – offered no objections subject to conditions relating to noise, waste and dust management on site.

Response: Noted. Appropriate conditions can be added to any consent issued.

- 4.4 **Estates Services** – offered no objections to the proposed development.
Response: Noted.
- 4.5 **Housing Services** – Confirmed that the provision of affordable housing detailed in the plans submitted, in respect of location, house types and the unit numbers proposed, satisfies their requirements in respect of this site.
Response: Noted. The provision of affordable housing as detailed will be secured through the legal agreement signed as part of the Planning Permission in Principle approval in place in respect of the wider masterplan site.
- 4.6 **SEPA** – offered no objections to the proposed development.
Response: Noted.
- 4.7 **Scottish Water** – offered no objections to the proposed development.
Response: Noted.
- 4.8 **SP Energy Networks** – offered no objections to the proposed development.
Response: Noted.
- 4.9 **SPT** – offered no objections to the proposed development subject to conditions relating to the provision of appropriate bus stop infrastructure on Eaglesham Road and pedestrian connections to access the bus stops from the development.
Response: Noted. These details have been included in the plans submitted. Appropriate conditions can be added to any planning permission issued in this regard to ensure the delivery of the proposed details on site.
- 4.10 **Jackton and Thorntonhall Community Council** – have not responded to date.
5. **Representation(s)**
- 5.1 Statutory neighbour notification was undertaken and the application was advertised in the local press for neighbour notification purposes. Four letters of representation were submitted in response, comprising two objection letters and two comment letters. The points raised are summarised as follows.
- a) **The proposed development could impact on biodiversity within the site, including the removal of hedgerow areas.**
Response: Detailed species and biodiversity studies have been required to be undertaken in respect of the proposed development to ensure that there would be no unacceptable adverse biodiversity impact as a result of the proposals. It is noted that these surveys have determined that, subject to adherence to the recommendations contained therein, there would be no unacceptable impact in this regard. It is also noted that substantial landscaping and boundary treatments are proposed to be put in place as part of the proposed development. Appropriate conditions would be attached to any consent issued with regard to biodiversity and landscaping matters to ensure that the development is carried out appropriately in respect of these issues.
- b) **The proposed development could cause flood risk management issues locally or in the wider area and appropriate protection measures require to be put in place in this regard given the additional houses proposed to be constructed.**

Response: Consultation has been undertaken with SEPA and the Council's Flood Risk Management Team with regard to flood risk management considerations associated with the proposed development. SEPA have offered no objections to the proposals and the Flood Risk Management Team, following extensive consideration of the submission put forward, have confirmed their satisfaction with the proposed development subject to conditions. The associated conditions would be attached to any consent issued and, subject to adherence to the conditions, there are no concerns relating to flood risk management issues associated with the development.

- c) **The proposed development could be undertaken on peatland areas and could have an adverse climate change impact.**

Response: The principle of the development of the site for residential purposes has already been approved through the granting of Planning Permission in Principle application reference EK/11/0202 in 2020. Through this application it was confirmed that the development of the site could be undertaken without having any unacceptable impact on matters such as peatland. Significant consideration has been given to climate change considerations associated with the development, which includes extensive footpath and cycle network connections, as well as provision of bus connections and electric charging points for motor vehicles. As such, it is considered that the proposed development will make a positive contribution in respect of climate change issues as a result of the significant emphasis given to these considerations as part of the development design.

- d) **Insufficient green space provision is proposed as part of the application submitted.**

Response: It is considered that significant green space provision has been included in the proposals, including open space areas, landscaping, woodland planting and children's play provision. In addition, it should be noted that, as part of the wider development of the Community Growth Area, it is proposed to form a 16 hectare woodland walk which, once developed, will provide extensive additional usable greenspace to the area. Given all of the above, it is considered that the proposal would have a positive overall impact on the quality and volume of green network land in Jackton and that access to a connected green network would be available for residents.

- e) **The proposed development would result in the loss of greenbelt land in the Jackton area.**

Response: The application site is not located within the Green Belt and forms part of the East Kilbride Community Growth Area as designated by the South Lanarkshire Local Development Plan 2 (adopted 2021). Planning Permission in Principle has previously been granted for the proposed development through planning application reference EK/11/0202. As such, while the development would take place on a greenfield site, there would be no loss of Green Belt land as a result of the current application.

- f) **The proposed houses will overlook existing houses on Eaglesham Road and reduce the privacy afforded to these houses.**

Response: It is noted that, as part of the design and layout put forward for the site, the proposed dwellinghouses would be located a significant distance from the nearest existing properties on Eaglesham Road with green space areas separating the existing and proposed dwellinghouses. As such, there are no concerns with regard to overlooking or loss of privacy to existing houses as a result of the proposed development.

- g) **The proposed development will reduce the value of existing houses on Eaglesham Road.**

Response: This is not a valid planning consideration.

- h) **Eaglesham Road requires to be upgraded and speed limited to accommodate the proposed new development. Signalised junctions and pedestrian crossing points also require to be provided on Eaglesham Road.**

Response: Extensive discussions have been undertaken between the developers and the Council's Planning and Roads Services with regard to the proposals, both in respect of this site and also with regard to the wider Community Growth Area development proposals. Alterations and improvements to the existing road network have been agreed as a result of these discussions and these will be put in place both through the consideration of individual proposals such as this but also through the Section 75 legal agreements that are in place in respect of the wider Community Growth Area development. This will include the extension of the 30mph speed limit on Eaglesham Road. It is therefore considered that the suitability of Eaglesham Road has been fully accounted for through the discussions that have taken place and that the improvements that have been agreed will ensure that the road will be able to suitably accommodate the proposed developments.

- i) **The provision of car parking to the front of dwellinghouses requires to be reduced with additional front garden space being provided.**

Response: Following discussions between the applicants and the Council's Planning and Roads Services alterations have been made to the layout to reduce the provision of car parking to the front of dwellinghouses, while not compromising the overall parking provision in respect of the site. It is considered that the revised proposals, which include a mix of front and side parking represent an appropriate mix which ensures that sufficient parking space would be provided while also providing front garden space to as many dwellings as possible.

- j) **A broader range of materials should be included on frontages than has been provided on other developments in the local area to allow the development to serve as a gateway to the conservation village of Eaglesham.**

Response: The proposals put forward have been considered in detail and, with regard to the design and use of materials proposed, the view is taken that they would be appropriate to the site in question and would complement the mix of designs and styles that are in place in the surrounding area. There are therefore no concerns with regard to the chosen materials in this instance.

- k) **Visitor parking requires to be provided to serve visitors to the site as well as delivery vans.**

Response: Detailed discussions have been undertaken between the applicants and the Planning and Roads Services with regard to the parking provisions proposed in respect of this development. Amendments to the original proposals have been brought forward by the applicants and it is considered that the parking provisions now proposed are appropriate and will ensure that sufficient parking space would be provided to serve the proposed development.

- l) **Bus stops should be provided on both sides of Eaglesham Road and additional pedestrian connections to the bus stops should be provided. Appropriate crossing facilities should also be provided to allow safe access to the bus stops.**

Response: Following discussions between the applicants and the Planning and Roads Services bus stop provisions have been provided on both sides of Eaglesham Road as part of the detailed design brought forward. Furthermore, additional pedestrian connections have been added to ensure ease of accessibility to public transport for residents with the development.

- m) **Footpaths on Eaglesham Road require to be upgraded to improve access to and from the site.**

Response: The upgrade of pedestrian and cycleway connections on and adjacent to Eaglesham Road has been included as part of the proposed development. As such, it would be ensured that the development could be appropriately accessed by pedestrians and cyclists from Eaglesham Road.

- n) **Individual plots within the development should be amended to improve the overall design of the development.**

Response: Following a detailed assessment of the proposed layout and following amendments as agreed between the applicants and the Council's Planning and Roads Services, it is considered that the development as proposed represents a well designed high quality residential development that will make a significant positive contribution to the area.

- o) **Improved footpath connections should be provided to allow ease of access within the site and to Eaglesham and Hayhill Roads.**

Response: Following discussions between the applicants and the Planning and Roads Services, additional pedestrian accesses have been provided to both Eaglesham Road and Hayhill Road to ensure appropriate access to and from the site, public transport facilities, local services and the adjacent countryside.

- p) **It should be ensured that the proposed play area does not pose a safety risk to those who use it.**

Response: A condition would be attached to any consent issued requiring full details of the proposed play provision, inclusive of surfacing, fencing and boundary treatments to be provided. Subject to approval of the details submitted it would be ensured that there would be no unacceptable safety risk arising from the proposed play provision within the site.

5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

6.1 The applicants seek consent for the erection of 294 residential dwellings comprising 282 houses and 12 flats with associated works on land forming part of the East Kilbride Community Growth Area, specifically the section located to the north-west of Eaglesham Road. The development would be undertaken by Barratt Homes and David Wilson Homes. The site benefits from planning permission in principle (EK/11/0202). As such, the principle of the development has already been established and this assessment relates to the details of the housing layout and associated works. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. The main determining issues, therefore, in the assessment of this application are whether the proposed development is in compliance with Local Development Plan policy.

- 6.2 The South Lanarkshire Local Development Plan 2 (adopted 2021) identifies the site, in land use terms, as being within a Community Growth Area (as defined by Policy 1 – Spatial Strategy). The site is also allocated as proposed housing land (Policy 11 – Housing) within the settlement of East Kilbride (Policy 3 – General Urban Areas) to reflect the designation of the CGA. It is therefore noted that the principle of housing development on this site is supported by Policies 1, 3 and 11 of the adopted Local Development Plan.
- 6.3 In respect of Policy 7 - Community Infrastructure Assessment it is noted that the legal agreement associated with planning permission EK/11/0202 sets out the requirement for developer contributions applicable to this site to cover infrastructure impacts associated with education, roads and transportation, affordable housing and community facilities. The proposed development under consideration includes 40 affordable housing units, which represents 50% of the required provision in respect of this site. The remaining provision of affordable housing associated with the CGA has been dealt with holistically as part of the approved masterplan and the legal agreement associated with EK/11/0202. This approach has been agreed with Housing Services and, as such, the proposal is considered to be in accordance with Policy 12 (Affordable Housing) of the adopted Plan.
- 6.4 It is considered that the submitted layout, in the context of the wider masterplan and identified developer contribution requirements, has addressed the amenity and play provision requirements identified within the Council's Residential Design Guide. The educational and transportation related requirements associated with this proposal have also been assessed on a cumulative basis, across this section of the CGA, as part of planning permission EK/11/0202. Taking the above into account, it is considered that the proposal is acceptable with regard to the requirements of Policy 7 of the adopted Plan.
- 6.5 In terms of the detail of the proposal, Policy 5 - Development Management and Placemaking of the adopted Plan states that all planning applications should take fully into account the local context and built form, while Policy 2 - Climate Change seeks to ensure that proposed developments, where possible, seek to minimise and mitigate against the effects of climate change. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts. In addition, Policy 15 – Travel and Transport seeks to ensure that the use of sustainable transport modes is incorporated into the design of all new developments. These policies are further reinforced by the provisions of Policy DM1 - New Development Design, while further guidance on design matters is contained in the Council's Residential Development Guide (2011).
- 6.6 In terms of the submitted layout, it is noted that the proposal is for 294 residential properties, served by two access roads from Eaglesham Road linking the development with surrounding infrastructure and the adjacent southern section of the CGA. The proposed mix of house and flat styles, external materials, size of properties and development layout, including pedestrian connections to local facilities and services as well as to the adjacent countryside, are considered to be acceptable and in compliance with the principles of the approved masterplan. Additionally, it is noted that the development would suitably complement surrounding residential developments in this part of East Kilbride and would not result in adverse landscape impacts given the topography of the CGA site. It is noted that the proposals incorporate appropriate design features, including natural boundary treatments, a permeable layout and junction design to slow traffic. In general, the layout has been designed to provide attractive streets and to ensure that public areas and connections are overlooked by dwellings to encourage pedestrian movement.

- 6.7 With regard to potential amenity and road safety impacts, following detailed discussions between the prospective developers and the Council's Planning and Roads Services, the layout has been adjusted to ensure that the parking, access and footpath specifications are in compliance with the Council's standards and to ensure that appropriate pedestrian and cycle connectivity is provided throughout the development and with nearby local facilities. Given the above, it is considered that there would be no significant road safety impacts and, additionally, it is considered that there would not be any significant impact on the amenity enjoyed by existing properties as a result of the proposed development. In addition, it has been ensured that appropriate access to local public transport provisions, specifically bus services, has been incorporated into the design of the development. Furthermore, it has been agreed that full provision of electric vehicle charging stations will be provided within the site and the proposed layout has been amended to incorporate the provision of the charging stations. Taking all relevant matters into account, it is considered that the proposal is in compliance with Policies 2, 5, 15 and DM1 of the adopted Plan.
- 6.8 In terms of the consideration of flood risk and impact on the water environment as set out in Policies 16 – Water Environment and Flooding, SDCC2 – Flood Risk and SDCC3 – Sustainable Drainage Systems of the adopted Plan, it is noted that the proposal has been designed to include sustainable drainage features throughout. In this regard, it is noted that no objections have been received from the Council's Flood Risk Management Team or SEPA, subject to conditions which would be attached to the consent issued. As such, the proposals are considered to be fully compliant with Policies 16, SDCC2 and SDCC3 of the adopted Plan.
- 6.9 The application site also lies within an area designated as green network, where Policy 13 - Green Network and Greenspace of the Local Development Plan applies. In addition, the provisions of Policy 14 – Natural and Historic Environment require to be taken into consideration. These policies seek to safeguard the local green network as well as any natural or built heritage features and seek to identify opportunities for enhancement and/or extension to contribute towards objectives such as promoting active travel, placemaking and supporting biodiversity. In this regard it is noted that the majority of the proposed development will be on agricultural grazing land, with only very limited impact on existing trees and hedgerows proposed. It is noted that suitable areas of amenity open space and play space, including play equipment, are proposed to be provided within the site. All survey work in respect of protected species and other biodiversity considerations required by the Permission in Principle consent has been undertaken in respect of the proposed development and any consent issued would be conditioned to ensure that the findings and recommendations of these surveys are appropriately implemented on site at all times.
- 6.10 Furthermore, it should be noted that, as part of the wider development of the northern section of the Community Growth Area, it is proposed to form a 16 hectare woodland walk which, once developed, will provide extensive additional usable greenspace to the area. Given all of the above, it is considered that the proposal would have a positive overall impact on the quality and volume of green network land in Jackton and that access to a connected green network would be available for residents. In addition, all biodiversity and other heritage considerations have been taken into account as part of the development of the proposals for the site. As such, the proposals are considered to be fully compliant with the provisions of Policies 13 and 14 of the Development Plan.
- 6.11 Statutory neighbour notification was undertaken in respect of the proposed development and the application was advertised in the local press. Four letters of representation were submitted in respect of the proposals, comprising two letters of objection and two letters of comment. The matters raised are addressed in Section 5

above. It is not considered that any of the points raised warrant the refusal of the application in this case.

- 6.12 Taking all of the above into account, it is noted that the principle of residential development of this site is supported by development plan policies and the existing Planning Permission in Principle consent, which included the masterplan associated with the site. Additionally, it is considered that the detailed proposals brought forward represent a high quality residential development that will assist in satisfying the ongoing demand for residential properties in the East Kilbride area and include appropriate provision of affordable housing. Furthermore, it is considered that the proposals will suitably integrate with the existing built environment at this location, will support appropriate and sustainable connectivity to public facilities and will not result in any significant adverse amenity, environmental or other impacts. It is therefore concluded that the proposed development fully complies with the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021), with specific regard to the provisions of Policies 1, 2, 3, 5, 7, 11, 12, 13, 14, 15, 16, DM1, SDCC2 and SDCC3 and with the Councils Residential Development Guide. It is therefore recommended that the submitted detailed layout can be approved and the relevant conditions of the PPP consent discharged, subject to the additional conditions listed.

7. Reasons for Decision

- 7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 3, 5, 7, 11, 12, 13, 14, 15, 16, SDCC2, SDCC3 and DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and with the Council's Residential Development Guide.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ EK/11/0202 – Planning Committee – 27 March 2012

List of background papers

▶ Application form	
▶ Application plans	
▶ South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶ Neighbour notification letter dated 15.09.2021	
▶ Neighbour notification letter dated 21.02.2022	
▶ Consultations	
SPT	26.11.2021
Roads Development Management Team	07.10.2021
Environmental Services	29.09.2021
Roads Flood Risk Management	07.03.2022
Scottish Water	27.09.2021
SEPA West Region	11.11.2021
SP Energy Networks	15.09.2021

Estates Services - Housing and Technical Resources	14.09.2021
Roads Development Management Team	09.03.2022
Housing Services	22.02.2022

► Representations	Dated:
Ms Lynn Reid, 82 Glen Tennet, East Kilbride, G74 3UY	13.09.2021
Mrs Carolyn Haddow, Westend, 21 Kavanagh Crescent, Jackton, East Kilbride G75 8WS	06.03.2022
Mrs Lesley Anderson, 346 Eaglesham Road, East Kilbride, Glasgow G75 8RW	04.03.2022
Gary Tierney, Sent Via Email	28.09.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
 Phone: 01698 455049
 Email: declan.king@southlanarkshire.gov.uk

Conditions and reasons

01. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

02. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

03. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. That notwithstanding the plans hereby approved and prior to the commencement of development, details of existing and proposed site levels, to include spot levels, sections and finished floor levels, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To safeguard the amenity of the area.

06. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

07. That, prior to the commencement of any development works on site, full details of the play equipment provision associated with the development, including :

- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
- (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
- (c) details of the fences to be erected around the play area(s); and
- (d) details of the timescales for and phasing of these works

shall be submitted to and approved by the Council as Planning Authority. The equipment shall thereafter be put in place in accordance with the approved details and the agreed timescales to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate play equipment within the site.

08. That notwithstanding the plans hereby approved and prior to the start of development, details of proposed site levels, planting specification and boundary treatment for the equipped play area shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the play area is acceptable for purpose and does not have an adverse impact on amenity.

09. That the recommendations and procedures set out in the ecological assessment and the bat survey submitted in support of the proposed development, produced by Acorna Ecology Ltd. and dated August and September 2021 shall be adhered to at all times on site to the satisfaction of the Council as Planning Authority and shall include monitoring for otters and badgers every 6 months during the construction phase.

Reason: To ensure the appropriate protection and management of species and green spaces within the site.

10. That the recommendations and mitigation measures relating to construction and road traffic noise set out in the Noise Assessment submitted in support of the proposed development, produced by The Airshed and dated October 2021, shall be put in place in accordance with the details submitted to the satisfaction of the Council as planning authority and unless otherwise agreed in writing. The measures in respect of construction noise shall be put in place throughout the construction phase and the measures relating to the protection of residential dwellings shall be put in place in advance of the occupation of any affected dwellinghouse and maintained at all times thereafter to the satisfaction of the Council as Planning Authority, unless otherwise agreed in writing.

Reason: To ensure the appropriate protection measures relating to noise impact are put in place on site.

11. That no development shall commence until drainage and flood risk details to include signed appendices A, B, C, D and E are submitted to and approved in writing by the Planning Authority. The development shall not be occupied until the surface drainage works and any required flood mitigation works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

12. That, prior to commencement of any development works on site and unless otherwise agreed in writing with the Council, full details of a footpath connection to be provided to connect the development to the adjacent residential development to the north-east of the site shall be submitted to and approved by the Council as Planning Authority. The footpath connection shall thereafter be put in place in accordance with the approved details before the development is brought into use.

Reason: To ensure the provision of a suitable footpath connection with the adjacent residential development to the north-east of the site.

13. That the submitted details relating to waste management hereby approved shall be put in place on site to the satisfaction of the Council as Planning Authority before the development is brought into use.

Reason: In the interests of environmental amenity.

14. That the submitted details relating to dust mitigation hereby approved shall be put in place on site to the satisfaction of the Council as Planning Authority throughout the construction period associated with the development and thereafter as appropriate.

Reason: In the interests of environmental amenity.

15. That prior to commencing development works on site the applicant shall submit, for the written approval of the Council as Roads Authority, detailed proposals for the introduction of two TOUCAN type controlled pedestrian crossings and ancillary works on Eaglesham Road at locations indicated on the planning approved layout drawing 20167(PL)001 Revision M.

Reason: In the interests of pedestrian safety.

16. That once approved, the applicant shall implement at their own expense, and to the satisfaction of the Council as Roads Authority, the approved TOUCAN type controlled pedestrian crossing and ancillary works referred to in the previous condition using the Council's traffic signal maintenance contractor and complete this work all in accordance with the approved design and specification prior to the occupation of the first dwelling house, unless otherwise agreed in writing with the Council.

Reason: In the interests of pedestrian safety.

17. That unless otherwise agreed in writing by the Council as Roads and Planning Authority, prior to the occupation of any dwellinghouse within the site, pedestrian facilities on Eaglesham Road shall be provided, generally in accordance with drawing 20167(PL)001 Revision M, as follows:
- i) Provision of a new 3.0metre wide footway on the north side of Eaglesham Road between the existing footway termination point circa 50metre south of Okein Drive to the proposed controlled crossing east of 328 Eaglesham Road and extending along the site access to the entrance of the proposed retail site on the east side of the access and over the entire length on the west side of access to where it connects with the internal cycle route opposite plot 179.
 - ii) Provision of a new 3.0metre wide footway on the north side of Eaglesham Road between Hayhill Road junction and the culs-de-sac at plot 16 as shown the approved layout.
 - iii) Provision of a new 3.0metre wide footway on the north side of Eaglesham Road eastwards to connect with the proposed TOUCAN crossing and from this point continue eastwards on the south side of Eaglesham Road to the existing 3.0metre shared use path at the new roundabout on Eaglesham Road generally in accordance with the route shown on drawing 20167(PL)001 Revision M
 - iv) Widen the existing footway on south side of carriageway between Nos. 331 & 325 Eaglesham Road.

Reason: In the interests of pedestrian safety.

18. That prior to commencement of the first dwelling house the developer shall submit, for the written approval of the Council as Roads and Planning Authority, details of the aforementioned 3.0metre shared use footway/cycleways on Eaglesham Road and those 3.0metre wide sections within the development. This shall include adoptable street lighting and road markings/traffic signs designed in accordance with Cycling by Design 2021. The developer shall also provide details showing how cyclists will leave the carriageway of Eaglesham Road and join the cycleway/footway immediately west of Hayhill Road junction and how cyclists cross the eastern site road access to continue along Eaglesham Road. All approved measures shall be implemented on site to the complete satisfaction of the Council as Roads and Planning Authority prior to completion of the 20th dwelling house, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of road safety.

19. That prior to commencement of any works on site, or as otherwise agreed with the Council as Roads and Planning Authority, the applicant shall submit detailed proposals for both three bay fully enclosed bus shelters on Eaglesham Road for eastbound services and both three bay rear mounted cantilever bus shelters opposite on Eaglesham Road for westbound services. The designs shall include laybys and cycle storage for the eastbound stops and for all stops shelters (with a power supply), pole, lighting, and high access kerbs, and shall submit these designs for the written approval of the Council as Roads and Planning Authority.

Reason: To ensure the provision of appropriate bus stop facilities associated with the development hereby approved.

20. That once approved in writing the applicant shall implement at their own expense, and to the satisfaction of the Council as Roads Authority in conjunction with Strathclyde Partnership for Transport, the bus stop infrastructure referred to in the previous condition and complete this work all in accordance with the approved

design and specification prior to occupation of the first dwelling house unless otherwise agreed in writing with the Council.

Reason: To ensure the provision of appropriate bus stop facilities associated with the development hereby approved.

21. That prior to commencement of any works on site, or as otherwise agreed with the Council as Roads and Planning Authority, the applicant shall submit a Residential Travel Plan which once approved in writing by the Council as Roads and Planning Authority shall be issued to every new homeowner as part of their moving in pack.

Reason: These details have not been submitted or approved.

22. That all remote footways shall incorporate continuous filter drains which shall discharge via a silt trap into Scottish Water's system or other suitable outfall all to the satisfaction and written approval of the Council as Roads Authority.

Reason: In the interests of road safety.

23. That all car parking shall be provided in accordance the proposals shown on drawing 20167(PL)001 Revision M, with parking provision in accordance with SCOTS National Roads Development Guide as follows:-
- 1 bedroom - 1 parking space
 - 2 and 3 bedrooms - 2 parking spaces
 - 4 and 5 bedrooms - 3 parking spaces

Reason: To ensure the provision of appropriate car parking facilities within the site.

24. That prior to commencement of any works on site the applicant shall submit, for the written approval of the Council as Roads and Planning Authority, details of the electric vehicle charging (EVC) facilities. Where EVC points are not located within a private driveway then details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement and be accompanied by proposals for maintenance arrangements. All information shall be submitted for the written approval of the Council as Roads and Planning Authority. Thereafter the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: To ensure the appropriate provision of electric vehicle charging facilities within the site.

25. That prior to commencement of any works on site the applicant shall submit, for the written approval of the Council as Roads Authority, a Traffic Management Plan (TMP) to cover all construction traffic access entering and exiting off Eaglesham Road. Construction traffic shall not be permitted to use Jackton Road or Hayhill Road. The TMP shall include wheel washing arrangements, delivery routes, compound layout including on-site parking facilities for staff and visitors. Once approved works shall be undertaken in accordance with the approved TMP to the satisfaction of the Council as Roads and Planning Authority. All vehicles, including delivery vehicles, shall be parked within the site and no vehicles shall be parked at any time on the public road.

Reason: In the interests of road safety.

26. That, prior to completion of each dwelling house, the first 2.0metres of the driveway serving that dwelling shall be so surfaced in a bound material and trapped to prevent any surface water or deleterious material from entering the prospectively adoptable road.

Reason: In the interests of road safety.

27. That, prior to occupation of each proposed dwelling house, the driveway serving that property shall be constructed such that the gradient does not exceed 1 in 12.

Reason: In the interests of road safety.

28. That prior to completion of each dwelling house, the visibility splay requirements shown on the drawings hereby approved shall be implemented and nothing exceeding 0.9metres in height above the road channel level shall be permitted within the road and driveway visibility splays and nothing exceeding 0.6metres in height shall be permitted within the pedestrian visibility splays.

Reason: In the interests of road safety.

29. That the applicant shall submit a Stage 2 Road Safety Audit and Designers response in respect of all new works impacting on the existing public road in support of their road construction consent application(s) safety audit for all infrastructure to be constructed and adopted, or altered on the public road, in accordance with the Institute of Highways and Transportation Guidelines, to be approved in writing by the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

30. That the application shall submit a Stage 2 Road Safety Audit with Designers' Response to accompany all infrastructure to be constructed and adopted, or altered on the public road, in accordance with the Institute of Highways and Transportation Guidelines, to be approved in writing by the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

31. That on completion of the proposed site access works and TOUCAN crossings the applicant shall undertake Stage 3 Road Safety Audit(s) and submit a copy of the report together with the Designers' Response(s) to the Council along with their proposals and timescales to implement any recommendations contained within the audit all for the written agreement of the Council as Roads Authority.

Reason: In the interests of road safety.

32. That twelve months from the proposed site access works being completed and open to the public the applicant shall undertake a Stage 4 Road Safety Audit and submit the findings to the Council as Roads Authority.

Reason: In the interests of road safety.

33. That, prior to the occupation of any dwellinghouse within the development and unless otherwise agreed in writing with the Council as Roads and Planning Authority, the developer shall fund the promotion and implementation of a Traffic Regulation

Order to allow the existing 30mph speed limit on Eaglesham Road to be extended further west, to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

34. That all proposed culverts to be put in place as part of the development hereby approved shall be subject to the full Technical Approval (TA) process as set out in document no. CG300 of the Design Manual for Roads and Bridges with South Lanarkshire Council identified as Technical Approval Authority. The TA process must be complete and design certification approved prior to commencement of any construction operations relating to the proposed culverts.

The minimum available headroom between the soffit of the culvert deck/roof and the finished level of the watercourse bed shall be 1500mm in order to provide ready access for future maintenance/inspection operations.

Reason: To ensure that all proposed culverts are put in place in accordance with relevant design standards.

35. That, unless otherwise agreed in writing, plots 170 to 171, 188 to 221 and 247 to 250 inclusive shall be developed as affordable housing units in conjunction with the Council's Planning and Housing Services, to the satisfaction of the Council as Planning Authority.

Reason: To ensure the appropriate provision of affordable housing within the development.

36. That prior to completion of each dwelling house, the visibility splay requirements shown on drawings 21065-SK-10 Revision A and 21065-SK-11 Revision A (Junction Visibility Splays), drawings 21065-SK-12 and 21065-SK-13 (Driveway Visibility Splays), and drawings 21065-SK-14 and 21065-SK-15 (Pedestrian Visibility Splays) shall be implemented and nothing exceeding 0.9metres in height above the road channel level shall be permitted within the road and driveway visibility splays and nothing exceeding 0.6metres in height shall be permitted within the pedestrian visibility splays.

Reason: In the interests of road safety.

37. That prior to commencement of any works on site the applicant shall submit, for the written approval of the Council as Planning Authority, their detailed drainage designs showing appropriate surface water attenuation along with first and second levels of surface water treatment. Once approved the drainage works shall be undertaken in accordance with the agreed design and specifications all to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

38. That unless otherwise agreed, the applicant shall undertake an invasive weed survey, which shall include nuisance weeds such as Horsetail, and submit the findings of the survey along with their proposed remediation strategy, all for the written approval of the Council as Roads and Planning Authority, prior to commencement on site of any topsoil stripping or other earthworks. That no invasive

weeds or nuisance weeds shall be permitted below or within influencing distance of the public road. Once approved, all works shall be progressed in accordance with the agreed remediation strategy.

Reason: The remove the presence of invasive weeds from the site and ensure the site is suitable for development.

39. That unless otherwise agreed and prior to any works commencing on site the applicant shall submit, for the written approval of the Council as Roads and Planning Authority, detailed designs of both site accesses, incorporating right hand storage lanes on Eaglesham Road generally in accordance with drawings 21065-100-201 (Revision A) and 21065-100-304 (Original) for the west and east junction respectively. The proposed accesses shall be designed in accordance with the Design Manual for Roads and Bridges and submitted for Road Construction Consent. The submission shall include details such as kerbing, construction specification, street lighting, traffic signs, traffic bollards, road markings, tactile paving and an enhanced pedestrian/cycling crossing point in accordance with Cycle by Design 2021.

Reason: In the interests of road safety.

40. That the applicant shall resurface the full extents of both proposed right hand storage lanes on Eaglesham Road all in accordance with a specification to be agreed in writing by the Council as Roads and Planning Authority.

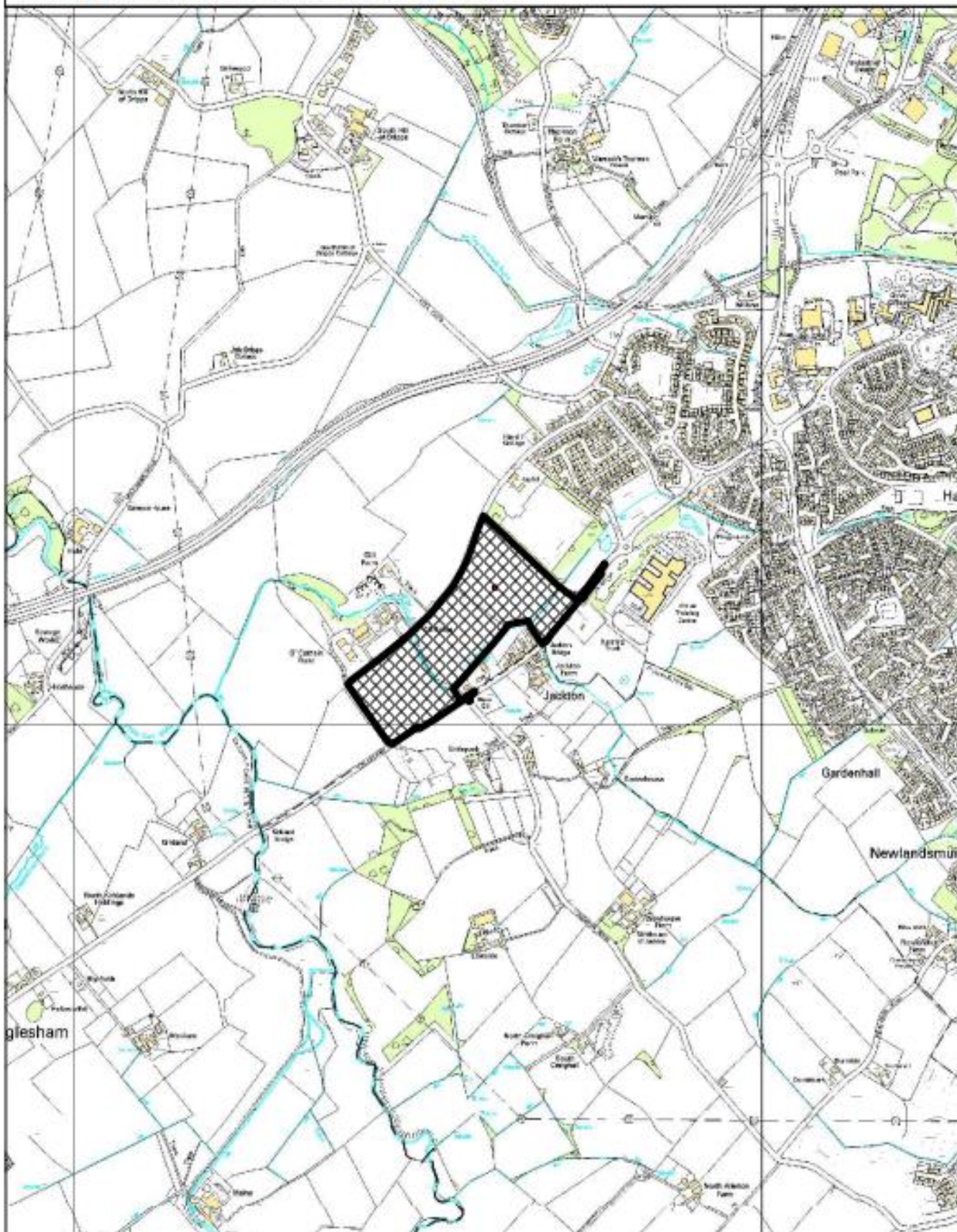
Reason: In the interests of road safety.

41. That twelve months from the proposed site access works and TOUCAN crossings being completed and open to the public the applicant shall undertake a Stage 4 Road Safety Audit and submit the findings to the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

P/21/1616

East Kilbride Community Growth Area - North Eaglesham Road



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Scale:
1:15,000
Date:
10/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

4

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/2071
Planning proposal:	Erection of 155 dwellinghouses, associated infrastructure and landscaping (approval of matters specified in conditions 1(a-r), 2, 3, 4, 5, 6, 8, 9,10 and 12) of planning permission in principle EK/09/0218

1. Summary application information

Application type:	Approval of matters specified in conditions.
Applicant:	Barratt Homes West Scotland
Location:	Land 275M Northeast of Easter House Jackton Road Jackton South Lanarkshire

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

(1) Grant matters specified in conditions based on conditions attached.

2.2 Other actions/notes

(1) The Planning Committee has delegated powers to determine this application.

3. Other information

- ◆ Applicant's Agent: David Jinks
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
Policy 1 - Spatial Strategy
Policy 2 – Climate change
Policy 5 – Development Management and Placemaking
Policy 7- Community infrastructure assessment
Policy 11 – Housing

Policy 12 – Affordable housing
 Policy 13 – Green Network and Greenspace
 Policy 16 – Water Environment and Flooding
 Policy DM1 – New Development Design
 Policy SDCC2 – Flood Risk
 Policy SDCC3 – Sustainable Drainage Systems

South Lanarkshire Council Residential
 Development Guide (2011)

♦ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

Strathclyde Partnership for Transport (SPT)

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

SP Energy Networks

Estates Services - Housing and Technical Resources

Countryside and Greenspace

Community and Enterprise Resources - Play Provision Community
 Contributions

Arboricultural Services

Jackton and Thorntonhall Community Council

Planning Application Report

1. Application Site

- 1.1 This application relates to a proposed residential development of 155 dwellings on land allocated within the Community Growth Area (CGA) in East Kilbride. The site lies on the northern edge of the masterplan site approved under EK/09/0218; a Planning Permission in Principle application for a mixed-use development comprising residential, retail and education uses and associated engineering works for site infrastructure, new access and distributor road, formation of open space framework with landscaping work. The application site extends to approximately 6.13 hectares and is part of Phase 2 of the overall masterplan site.
- 1.2 The site, which comprises of two main sections is partially separated by an established woodland and will be accessed off junctions from the new spine road serving the masterplan area. The site is bound to the north and east by existing woodland and agricultural land, to the west by an existing burn corridor with the Cala Homes residential development beyond, and to the south by land marked for other residential development within the masterplan site. This site was previously used as agricultural land, however, it has been re-profiled in preparation for development as permitted under application P/21/0613. It is noted that the trees and woodland along the perimeter of the site have been retained.

2. Proposal(s)

- 2.1 This application seeks to discharge various conditions imposed on Planning Permission in Principle application EK/09/0218 for the development of East Kilbride Community Growth Area. Condition 1 specifies that all relevant matters such as layout, siting, design, landscaping, drainage etc are submitted to and approved by the Planning Authority. The other conditions to be discharged specify in further detail what information requires to be submitted to deal with the relevant matters listed in Condition 1.
- 2.2 The proposed residential development would comprise of two main northern and southern sections. The larger northern area would be accessed via an access point from the new road running adjacent to the site. There would also be a smaller area adjacent to this which would have its own separate access. The southern section of the site would also include an access point from the new road, as well as including a number of plots accessed directly from the new road. A pedestrian link to further phases of development within the CGA area, to the new spine road and to Jackton Road would also be provided, in line with the principles established in the masterplan. The proposal includes landscaping and a SUDS pond to serve the development. The proposal has been broadly designed in accordance with Designing Streets principles and includes a variety of proposed materials.

3. Background

3.1 Local Plan Status

- 3.1.1 In terms of land use, the site is identified within the South Lanarkshire Local Development Plan 2 (Adopted 2021) as forming part of the designated East Kilbride Community Growth Area and is allocated as a Proposed Housing site. As such, the following policies are all relevant to the assessment of this development:-

- ◆ Policy 1 - Spatial Strategy
- ◆ Policy 2 – Climate change
- ◆ Policy 5 – Development Management and Placemaking
- ◆ Policy 7- Community infrastructure assessment
- ◆ Policy 11 – Housing

- ◆ Policy 12 – Affordable housing
- ◆ Policy 13 – Green Network and Greenspace
- ◆ Policy 16 – Water Environment and Flooding
- ◆ Policy DM1 – New Development Design
- ◆ Policy SDCC2 – Flood Risk
- ◆ Policy SDCC3 – Sustainable Drainage Systems

3.2 **Relevant Government Advice/Policy**

3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements. The Council must also maintain a five-year supply of effective housing land.

3.3 **Planning Background**

3.3.1 Planning application EK/09/0218 was originally approved by the Planning Committee in December 2011, subject to the conclusion of a legal agreement to cover matters relating primarily to developer contributions. A revised masterplan was submitted in October 2016 and subsequently approved by the Planning Committee in June 2018, subject to the conclusion of a legal agreement. This legal agreement has now been concluded and registered allowing planning permission EK/09/0218 to be issued in October 2019.

4. **Consultation(s)**

4.1 **Roads Development Management Team** – no objections subject to conditions relating to visibility, parking and drainage.

Response: Noted. Appropriate conditions can be attached to any consent issued.

4.2 **Roads Flooding section** – no objections subject to a condition related to the provision of a SUDs drainage system.

Response: Noted. Appropriate conditions can be attached to any consent issued.

4.3 **Environmental Services** – no objections subject to the attachment of conditions and advisory notes in relation to noise and contamination.

Response: Noted. Appropriate conditions can be attached to any consent issued.

4.4 **Scottish Water** – no objections to the proposal.

Response: Noted.

4.5 **SEPA** – initially advised further information was required to discharge drainage conditions 1(n) and 9. However, following the submission of further information and discussion with the Council's Roads Flooding section, they jointly agreed wording of a suitable condition to be attached to any consent issued that would address this.

Response: Noted, the condition can be attached to any consent issued.

4.6 **SP Energy Networks** – no objections to the proposal.

Response: Noted.

4.7 **Estates Services** – no objections to the proposal.

Response: Noted.

- 4.8 **Countryside and Greenspace** – no response received to date.
Response: Noted.
- 4.9 **SPT** – no comments on the proposal.
Response: Noted.
- 4.10 **Arboricultural Services** – no response received to date.
Response: Noted.
- 4.11 **Community and Enterprise Resources (Play Provision Community Contributions)** – no response received to date.
Response: Noted.
- 4.12 **Jackton and Thorntonhall Community Council** – no response received to date.
Response: Noted.

5. Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and the proposal was also advertised in the local press as development potentially contrary to the development plan as not all neighbours could be identified. One letter of comments has been received, the points of which are summarised below:-

a) **There are not enough links to other housing developments therefore this should be improved. A footpath should be provided to link to Borthwick Drive to encourage walking.**

Response: The Council is satisfied with the layout submitted. It should be noted that this site is part of an overall masterplan layout which will include a number of links to existing and proposed housing developments.

b) **There is no play provision within this site, however, this could be included at Plot 87 and provide access to the adjacent woodland area.**

Response: Whilst there is no play provision within this site, as noted above, the site is part of a wider masterplan for the overall area which includes adequate play provision. The area adjacent to Plot 87 is designated as open space.

c) **It is unclear if the path at the side of Plot 12 will link up to Eaglesham Road and the proposed shopping facilities.**

Response: Based on the masterplan for the site, there will be a path adjacent to Plot 12 linking it to adjacent paths and eventually Eaglesham Road.

d) **The development is very car orientated.**

Response: As noted above, the Council is satisfied with the layout proposed as well as associated pedestrian and vehicle linkages.

- 5.2 This letter is available for inspection on the planning portal.

6. Assessment and Conclusions

- 6.1 Barratt Homes West Scotland seek consent for the erection of 155 dwellings with associated infrastructure and landscaping on land forming part of the East Kilbride Community Growth Area (CGA). As detailed above, the site benefits from Planning Permission in Principle EK/09/0218, therefore, the principle of the development, including access from the new spine road, has already been established and this assessment relates to the details of the housing layout and associated works. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that all planning

applications are determined in accordance with the development plan, unless other material considerations indicate otherwise. Therefore, the determining issue in the assessment of this proposal is its compliance with local development plan policy and any other material considerations.

- 6.2 In this case, the adopted South Lanarkshire Local Development Plan 2 (2021) identifies the site as being within a community growth area as defined by Policy 1 – Spatial Strategy. The site is also allocated as proposed housing land (Policy 11 – Housing) to reflect the designation of the CGA. Therefore, in general land use and policy terms, the principle of the development is acceptable.
- 6.3 In respect of Policy 7 - Community Infrastructure Assessment, it is noted that the legal agreement associated with planning permission EK/09/0218 sets out the requirement for developer contributions applicable to this site to cover infrastructure impacts associated with education, roads and transportation, affordable housing and community facilities. However, in this case, the proposed development includes 40 on-site affordable housing units. As at least 25% of the total site capacity is allocated as affordable, this meets the requirements of Policy 12 - Affordable Housing.
- 6.4 Policy 5 – Development Management and Placemaking advises that to ensure all developments take account of the principles of sustainable development, all proposals require to be well designed and integrated with the local area. Policy 2 – Climate Change also seeks to ensure that developments seek to minimise and mitigate against the effects of climate change and that development does not result in any significant environmental or amenity impacts. Policy DM1 – New Development Design also requires development to promote quality and sustainability in design and layout. The Council's Residential Development Guide (RDG) (2011) is also relevant and provides guidance on the design and layout of new housing developments.
- 6.5 As such, the application for 155 dwellinghouses with associated works will include a mix of 15 house types consisting of 2, 3 and 4 bed detached, semi-detached, terraced and cottage flat properties. There will be two access points for the areas to the north of the site. For the area to the south, there will be a further access point, as well as a number of plots being accessed directly from the new road. In terms of the policies above and the Council's RDG, the proposed mix of house types, materials, size of properties and development layout are considered to be acceptable and in compliance with the principles of the approved masterplan. The plots can meet the requirements in terms of window to window distances, plot ratio and parking requirements of the RDG. In addition, it is considered that the proposed development would integrate with other residential developments in the vicinity. In terms of landscaping, the site includes landscaped areas and planting as well as being adjacent to a number of tree belts and a woodland area which will be retained. In addition to this, the site is not far from the large centrally located greenspace approved as part of the overall masterplan layout. As such, I am satisfied this site provides access to adequate amenity space for residents and will not result in any adverse visual or landscape impacts.
- 6.6 In terms of road safety impacts, the site layout has been designed to ensure the parking and access specifications are in compliance with the Council's standards and to ensure adequate pedestrian connectivity is provided throughout the development with access to adjacent developments in accordance with the masterplan. As such, the Council's Roads and Transportation Development Management Team have confirmed their satisfaction with the layout subject to the attachment of conditions. In terms of flood risk and impact on the water environment (Policy 16 – Water Environment and Flooding) the proposal includes sustainable drainage features. In this regard, it is noted that no objections have been received from the Council's Roads

Flood Risk Management team subject to the attachment of conditions. Should permission be granted appropriate Roads conditions would be attached to the consent issued.

- 6.7 As part of the application submission, the applicant provided an ecological assessment of the site which checked for a variety of species including bats, otters, badgers, water voles, great crested newts and birds. It was concluded that the site has suitability for some species and as such the report includes a number of recommendations that should be carried out. As such, an appropriate condition would be attached to any consent issued.
- 6.8 In conclusion, the principle of residential development of this site is supported by the appropriate local plan policies and the existing Planning Permission in Principle associated with the site. The proposal will have no adverse impacts on amenity, road safety, or environmental impacts and as such it is considered the proposal complies with Policies 1, 2, 5, 7, 11, 12, 13 and 16 of the adopted South Lanarkshire Local Development Plan 2 (2021), as detailed above. It is therefore recommended that the relevant conditions outlined above can be discharged, subject to the additional conditions listed.

7. Reasons for Decision

- 7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 1, 2, 5, 7, 11, 16 and DM1 of the South Lanarkshire Local Development Plan 2 (Adopted 2021).

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ EK/09/0218 – Planning Committee – 26 June 2018

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 8 December 2021

- ▶ Consultations
 - SPT 21.12.2021
 - Roads Development Management Team 14.01.2022
 - Environmental Services 08.03.2022
 - Roads Flood Risk Management 09.03.2022
 - Scottish Water 10.12.2021
 - SEPA West Region 17.01.2022
 - SP Energy Networks 08.12.2021
 - Estates Services - Housing and Technical Resources 14.12.2021

Countryside and Greenspace	08.12.2021
Community and Enterprise Resources - Play Provision Community Contributions	No response
Arboricultural Services	No response
Jackton and Thorntonhall Community Council	No response

► Representations	Dated:
Ms Lynn Reid, 82 Glen Tennet, East Kilbride, G74 3UY	11.01.2022

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Julie Pepper, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455046
Email: julie.pepper@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

03. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 3 shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: These details have not been submitted or approved.

06. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

07. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

08. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

09. That, unless otherwise agreed in writing and prior to works commencing on site, the applicant shall submit details to demonstrate each dwelling has access to their own electric vehicle charging (EVC) point. Where parking is provided within a shared courtyard, details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement along with maintenance arrangements all for the written approval of the Council as Roads Authority. Thereafter, the agreed EVC provision shall be installed, commissioned, and maintained in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: To ensure the provision of appropriate facilities on site.

10. That, before the development hereby approved is completed or brought into use, at all road junctions a visibility splay of 2.4 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

11. That, before the development hereby approved is completed or brought into use, at all driveway accesses a visibility splay of 2 metres by 20 metres measured from the road channel shall be provided on both sides of the vehicular access if traffic calming features are provided, otherwise a visibility splay of 2 metres by 35 metres will be required, and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

12. That, before the development hereby approved is completed or brought into use, at all driveway accesses a pedestrian visibility splay of 2.4 metres by 2.4 metres measured from the heel of the footway shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of public safety.

13. That, before any dwellinghouse hereby approved is completed or brought into use, the parking spaces associated with the dwellinghouse shall be put in place to the specification and satisfaction of the Council as Roads and Planning Authority in accordance with the approved plans and shall thereafter be maintained to the satisfaction of the Council.

Reason: In the interests of road safety.

14. That, before any dwellinghouse within the development hereby approved is completed or brought into use, the first two metres of the associated driveway shall be surfaced, trapped and sealed to prevent any deleterious material or water from leaving the carriageway and entering the driveway, to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

15. The gradient of any driveway hereby approved shall not exceed 10%.

Reason: In the interests of road safety.

16. That prior to any works associated with the construction of the development commencing, a Construction Traffic Management Plan shall be submitted to the Council as Roads and Planning Authority for approval. This shall include:

1. A programme for starting on site.
2. All construction vehicles associated with this development should access the site via Eaglesham Road and the new spine road.
3. Details of wheel washing/ road cleaning regime to ensure mud and debris is not deposited on the public road.
4. A plan showing that all vehicles should be able to access and exit the site in forward gears, therefore a turning area must be provided.
5. A plan showing the turning area and location and number of spaces for site staff / operatives

Reason: In the interests of traffic and public safety.

17. The applicant shall ensure that all works carried out on site are carried out in accordance with the current BS5228:2009, 'Noise control on construction and open sites'. Prior to commencement of construction activities, a detailed report identifying the projected noise impact at the nearest noise sensitive receptors shall be provided in accordance with the standard. The emissions at the Noise Sensitive Receptor shall be cumulative and shall include mobile and stationary plant and equipment. The noise from any haul roads on site shall also be included. Corrections shall be made for variables such as the operating time and the relative cumulative impact value. This shall be corrected for attenuation and shall be provided as an LAeq.1hr to be

compared with either the pre-existing background level or using the ABC table within the British Standard.

Reason: To minimise noise disturbance to adjacent occupants.

18. That the recommendations and procedures set out in the Updated Ecological Assessment report submitted in support of the proposed development, produced by JDC Ecology Ltd and dated 25 June 2021, shall be adhered to at all times on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure the appropriate protection and management of species within the site.

19. That unless otherwise agreed, suitable culvert improvement works are required to be designed and installed as per Kaya Consulting Limited Technical Memo 2272 - CGA, Jackton, South Lanarkshire Council dated 22 February 2022 and as shown on drawing Drainage Layout No.20-106-120 Rev D prepared by Indev Consult and shall be carried out to the satisfaction of the Council's Roads and Planning Authority prior to occupation of any dwellinghouses. This shall include all five appendices from the Council's Developer Design Guidance May 2020 version which are required to be completed and submitted for this application. The author of Kaya Consulting Limited Technical Memo 2272 - CGA, Jackton, South Lanarkshire Council dated 22 February 2022 shall complete and submit appendix A - Flood Risk Assessment Compliance Certificate with a suitable independent checker completing and submitting appendix B - Flood Risk Assessment Independent Check Certificate. This shall apply to the entire site.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

20. That before development commences, a drawing showing the forward visibility splays shall be provided and thereafter agreed by the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

21. That the dimensions of the turning facilities shall be in accordance with the National Roads Development Guide.

Reason: In the interests of road safety.

22. That before development commences, details demonstrating that future pedestrian connections are to be left open at the end of the footpath at plots 129 & 130 shall be provided. This is required to ensure links to adjacent pods can be maintained.

Reason: This detail has not been submitted.

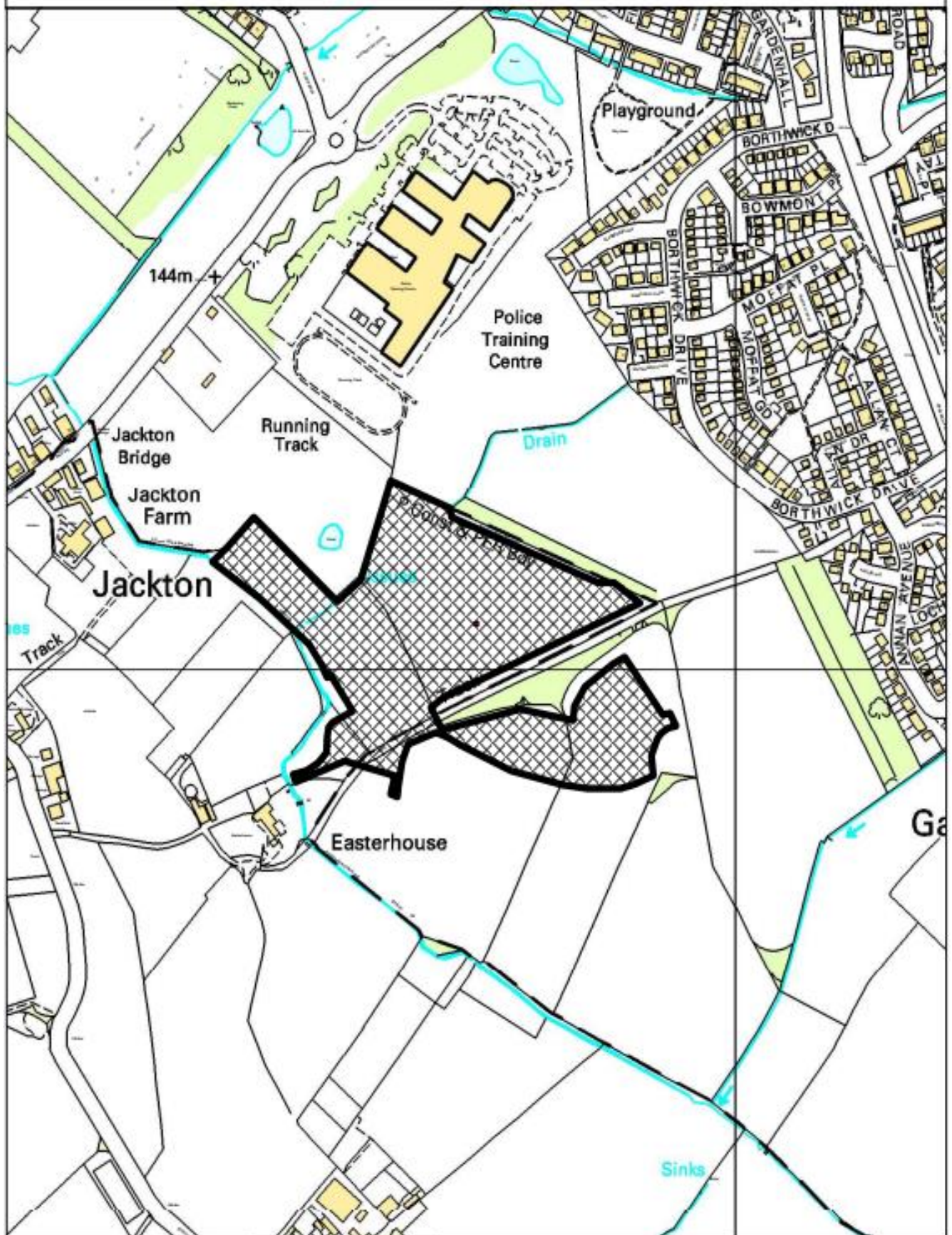
23. That the applicant shall undertake an invasive weed survey, which shall include potentially damaging weeds such as Horsetail, and submit the findings of the survey along with their proposed remediation strategy, all for the written approval of the Council as Roads and Planning Authority, prior to commencement on site of any topsoil stripping or other earthworks. That no invasive weeds or potentially damaging weeds shall be permitted below or within what the Council consider to be influencing

distance of the public road. Once approved, all works shall be progressed in accordance with the agreed remediation strategy.

Reason: To ensure that the site is free from the presence of invasive weeds.

P/21/2071

Land 275M Northeast of Easter House, Jackton Road, Jackton



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Scale:
1:5,000
Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

5

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0638
Planning proposal:	Change of use of communal open space to garden ground.

1. Summary application information

Application type: Detailed planning application

Applicant: Mr Douglas Szafranek
 Location: Land Adjacent To 17-1
 Hunthill Road
 Blantyre
 G72 9SS

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) A report was presented to Planning Committee on 16 November 2021 and it was decided to defer a decision because a shed business was operating from the applicant's house without planning consent. The committee were not prepared to sanction any consent whilst unauthorised activity was occurring at the house. The Council's Planning Enforcement Team served a Planning Contravention Notice in December 2021 stating that the unauthorised business required to cease by 31st January or formal Enforcement Action would be taken. The company's website states they are now operating from Blantyre Industrial Estate. The Enforcement team have subsequently visited the site and are content that the business use is no longer operating from this property. As such the Enforcement case has been closed.

3. Other information

- ◆ Applicant's Agent: Ronald Gellan
- ◆ Council Area/Ward: 15 Blantyre

- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2021 (SLLDP2):**
 - Policy 2: Climate change
 - Policy 3 General Urban Areas
 - Policy 5 Development Management and Placemaking

- ◆ **Representation(s):**

▶	22	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

- ◆ **Consultation(s):**

Blantyre Community Council

Roads Development Management Team

Estates Services - Housing and Technical Resources

Planning Application Report

1. Application Site

- 1.1 The application site relates to a small part (approximately 62 square metres) of an area of open space (approximately 193 square metres) which is sandwiched between the boundary of the applicant's detached dwellinghouse at 17-1 Hunthill Road and 1 Afton Gardens, Blantyre. The site is in relatively close proximity to the junction of Afton Gardens and Hunthill Road. Vehicular access to the applicant's property is currently from Hunthill Road.
- 1.2 The site is currently owned by the Council and the applicant has exchanged correspondence with the Council with a view to purchasing the site. The remaining uses surrounding the site are residential in character. There is some shrubbery located on the area of open space which would require to be removed should the proposal be implemented. Adjacent to the site there is a larger area of open space which is partly landscaped and provides a pleasant setting at the entrance into Afton Gardens.

2. Proposal(s)

- 2.1 The applicant seeks planning consent for the change of use of part of the open space to garden ground.
- 2.2 The applicant's agent has submitted an email in which the applicant advises that his intention for the site is to create a larger garden which could perhaps accommodate a hot tub/BBQ area, a car port, or ideally a garage to store his bikes and campervan securely as they are not getting used on a daily basis. It is also stated that the garden is likely to be levelled off and a new timber fence erected. It should be noted that this planning application relates only to a change of use of the land and that any future plans that the applicant has may require planning permission.

3. Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan 2 identifies the site as part of the General Urban Area. The proposed development therefore requires to be assessed against the following policies:-

- ◆ Policy 2: Climate change
- ◆ Policy 3: General Urban Areas
- ◆ Policy 5 Development Management and Placemaking

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy advises the policy principles of placemaking should take every opportunity to create high quality places by taking a design-led approach. Planning should direct the right development to the right place and support development that is well designed, and which demonstrates the six qualities of a successful place.

3.3 Planning Background

- 3.3.1 Planning consent (HM/07/0304) was granted for the erection of a dwellinghouse and integral garage.
- 3.3.2 Planning application (P/21/0056) was withdrawn for a change of use of a larger area (193 square metres) of communal open space to garden ground.

4. Consultation(s)

- 4.1 **Roads and Transportation Services** – No objections. They advise that there is no impact on the road network from the proposed annexing of this portion of the open space.

Response: Noted.

- 4.2 **Estates** – No objection

Response: Noted.

- 4.3 **Blantyre Community Council** - The community council is opposed to the loss of amenity. This application is very similar to a previous application P/21/0056 and there has been no material changes within this application to alter the view of the community council and they wish to reiterate their original position:

1. The planning application will substantially reduce the amenity of the area.
2. There will be a reduction of the quality and character of the environment
3. The application will decrease the community's overall enjoyment of the area.
4. The application will have a negative effect on the local community by the loss of a landscaped area and a valuable piece of public ground being lost.
5. The site has very good site lines and the application will alter this fact.
6. We would not support the sale of land as it could endanger public safety.
7. We would not support the sale of land in common ownership for this purpose.

We have the same conclusion as before: it is our view that the approval of the planning application is not in the best interests of the Blantyre community: loss of amenity, impact on traffic management, loss of landscaped area and the potential loss of green space to the community. We trust that the planning department will acknowledge the concerns of the Blantyre Community Council and refuse the planning application.

Response: Noted.

5. Representation(s)

- 5.1 Statutory neighbour notification was undertaken and a total of 22 representations have been received.

- 5.2 The grounds of objection can be summarised as follows: -

(a) The applicant is operating a shed/fence business. The land would be used as a storage area in conjunction with existing business and not as garden. It would therefore be an eyesore, detrimental to the amenity and entrance of a well-kept estate and a fire hazard. Currently this area divides business and residential properties. As it is a timber construction business where an incinerator is used it is considered that a gap should be maintained to minimise potential health and safety hazards. If this proposal is to increase the amount of storage of raw materials even further then what guarantees can be given that any retaining wall or fence will be strong enough to bear the considerable weight of these materials and protect the safety of the general public walking on the adjacent pavement.

Response: The Council's Planning Enforcement Team served a Planning Contravention Notice in December 2021 stating that the unauthorised business required to cease by 31st January 2022 or formal Enforcement Action would be taken. The company's website states they are now operating from Blantyre Industrial Estate. The Enforcement team have subsequently visited the site and are content that the business use is no longer operating from this property. As such the Enforcement case has been closed.

The current planning proposal is for a change of use of communal open space to garden ground within the curtilage of an existing dwellinghouse and therefore requires to be assessed as such. Scenarios regarding how the applicant would potentially use their extended garden ground and indeed the potential health and safety implications do not constitute material planning considerations in the assessment of this current planning application proposal.

It is considered that the incorporation of this small area of open space into the residential curtilage of the applicant's property would not have a significant impact given the larger and more prominent area of open space that would remain. In addition, the loss of the small area of open space would have no material impact on the amenity of the residential area. In this respect, the proposal can be integrated within the existing garden without any adverse impact in terms of the existing pattern of development.

(b) The Afton Gardens missives state that the play park and all open space areas are for the use of the residents therefore how can land be for sale. Land should remain as Afton Gardens estate.

Response: The potential ownership of land is a civil issue and does not constitute a material planning consideration in the assessment of a planning application. Nevertheless, the Council's estates department have advised that the land relating to the current proposal is currently owned by South Lanarkshire Council and ultimately it is their decision as to whether the land is sold.

(c) The applicant currently parks 4 cars in front of their house which is a hazard. The proposal could result in increased traffic and on street parking in estate. Concerns at how area would be accessed and potential environmental impact if vehicles are parked in the area. The proposal would block view of motorists entering and egressing Afton Gardens.

Response: As detailed previously Roads and Transportation Services have no objections, commenting that there is no impact on the road network from the proposed annexing of this portion of the open space.

(d) The boundary would be too close to 1 Afton Gardens resulting in a loss of privacy.

Response: It must be accepted that absolute privacy in an established residential area is difficult to achieve and that a degree of mutual overlooking is commonplace. It is considered that the proposal will be within acceptable parameters, all aspects considered, and will not result in a material loss of privacy that would merit refusal of the application.

(e) It is a difficult site and may require development for use. Unsure how land can be part of garden given its topography. This could impact on root systems of mature trees in the adjacent garden and damage to existing wildlife. Also, access to carry out any groundworks may require to be via the remaining part of the communal gardens causing damage to this area.

Response: Any potential damage to neighbouring land/trees is a civil issue. Given the nature of the proposal, it is considered on balance that it would not have a significant adverse impact on existing wildlife that would merit refusal of the application. It would also be the responsibility of the applicant to ensure that a suitable access can be formed in order to undertake any works, should planning permission be granted.

(f) It is unclear as to how the applicant was allowed to build a house. The applicant parks his vehicles anywhere and on the pavement. He kept chickens in his back garden. He erected a 10ft High Fence. He advertises his business on a wall inside his gates.

Response: As detailed before, planning consent (HM/07/0304) was previously granted for the erection of a dwellinghouse and integral garage. This has no relevance to the assessment of the current planning application. In addition, the planning enforcement team is dealing with the operation of a business at this location. The other issues raised do not constitute a material planning consideration in the assessment of this planning application.

5.3 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), and the Adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2).

6.2 In the Adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2), the application site is located on land designated as being in the General Urban Area. Policy 3 General Urban Areas seeks to ensure proposals do not adversely affect the amenity and character of predominately residential areas.

6.3 Policy 2: Climate Change seeks to minimise and mitigate against the effects of climate change. The proposal avoids areas of medium to high flood risk, has no significant adverse impacts on the water and soils environment, air quality, biodiversity, and/or green networks. Therefore, taking into account the scale of the proposed development, it is considered the proposal meets the terms of Policy 2 of the adopted SLLDP 2.

6.4 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated with the local context and built form. New development should also have no significant adverse impacts on the local community. The area of open space the applicant seeks to change the use of is approximately 62m² and forms part of a larger area approximately 193m² in size. This area of open space, being at the edge of the larger area, is not as attractive as the remaining area. The loss of site from the larger area of open space would leave an area of approximately 131m² in size, (approximately 68% of the original area) and it is considered that this would still allow for a satisfactory level of open space within the area for local residents to enjoy.

6.5 It is considered that the incorporation of this small area of open space into the residential curtilage of the applicant's property would not have a significant impact given the large area of open space that would remain. In addition, the loss of the small area of open space would have no material impact on the amenity of the residential area. In this respect, the proposal can be integrated within the existing garden without any adverse impact in terms of the existing pattern of development. It should also be noted that the area of open space which is proposed to be annexed is located between two fences and is not overly prominent. The most important area of open space is located adjacent to the junction and this will be retained, ensuring that there is not a detrimental impact on the visual amenity of the surrounding residential area.

- 6.6 With regard to the objectors' concerns detailed in section 5, it is considered that the proposal is in accordance with local plan policy and would not be detrimental to the residential amenity of the area. In addition, Roads and Transportation Services, do not have any objections.
- 6.7 Blantyre Community Council objected to the planning application as detailed previously. In response, it should be noted that the current planning application proposal relates to an area of ground approximately 62 square metres in comparison to the previous withdrawn proposal which was an area of land approximately 193 square metres (more than three times larger). Roads and Transportation Services have no objection in terms of pedestrian and road safety. The land is currently owned by the Council and it is considered that the incorporation of this small area of open space into the residential curtilage of the applicant's property would not have a significant impact on residential amenity that would merit refusal of the application given the larger area of open space that would remain.
- 6.8 Given the above, it is recommended that planning permission be granted.

7. Reasons for Decision

- 7.1 The proposal will not result in a significant adverse impact on either residential or visual amenity and generally complies with the provisions of Policies 2, 3, 5 and DM2 of the South Lanarkshire Local Development Plan 2. There are no other material considerations that would justify the refusal of planning consent.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 10 March 2022

Previous references

- ◆ HM/07/0304
- ◆ P/21/0056

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 21 April 2021

- ▶ Consultations

Blantyre Community Council	10.06.2021
Roads Development Management Team	17.05.2021
Estates Services - Housing and Technical Resources	28.04.2021

- ▶ Representations Dated:

Mr Andrew Thompson, 8 Afton Gardens, Blantyre, Glasgow, G729TW 07.05.2021

Mr John Fleming, 12 Afton Gardens, High Blantyre, Glasgow, G72 9TW	09.05.2021
Mrs Elizabeth Matthews, 63 Afton Gardens, High Blantyre, Glasgow, G729TW	10.05.2021
Mr Willian McGuire, 49 Afton Gardens, Blantyre, Glasgow, G729TW	11.05.2021
Mr Joseph Penman, 1 Afton Gardens, Blantyre, G72 9TW	12.05.2021
Mrs Selina Fleming, 12 Afton Gardens, High Blantyre, Glasgow, G72 9TW	10.05.2021
Mr David Brown, 23 Afton Gardens, Blantyre, Glasgow, G72 9TW	25.04.2021
T Cunningham, 61 Afton Gardens, Blantyre, Glasgow, South Lanarkshire, G72 9TW	25.05.2021
M Cunningham, 61 Afton Gardens, Blantyre, Glasgow, South Lanarkshire, G72 9TW	25.05.2021
Miss Gillian McGuire, 49 Afton Gardens, Blantyre, GLASGOW, G72 9TW	11.05.2021
Mrs Elizabeth McGuire, 49 Afton Gardens, Blantyre, GLASGOW, G72 9TW	11.05.2021
Mrs Magdalena Colligan, 10 Afton Gardens, Blantyre, G729tw	12.05.2021
Mr Ian Beattie, 4 Afton Gardens, Blantyre, Glasgow, South Lanarkshire, G72 9TW	29.04.2021
Ms Kathleen Allan, 21 Afton Gardens, High Blantyre, Lanarkshire, G72 9TW	26.04.2021
Mr Peter Dougela, 2 Afton Gardens, Blantyre, Glasgow, G729TW	04.05.2021
Ms Grace Simm, 3 Afton Gardens, Blantyre, G72 9TW	25.05.2021
Hugh Black, 3/3 Hunthill Road, Blantyre	27.05.2021
Marion Robertson, Received Via Email	21.05.2021
Mrs Marion Robertson, 14, Afton Gardens, High Blantyre, Glasgow, G729TW	12.05.2021
Charles Allan, 17 Afton Gardens, Blantyre, G72 9TW	14.05.2021
Mr Robert MacGregor, 43 Stonefield Crescent, Blantyre	20.09.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Murray Reid, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 453625

Email: murray.reid@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/21/0638

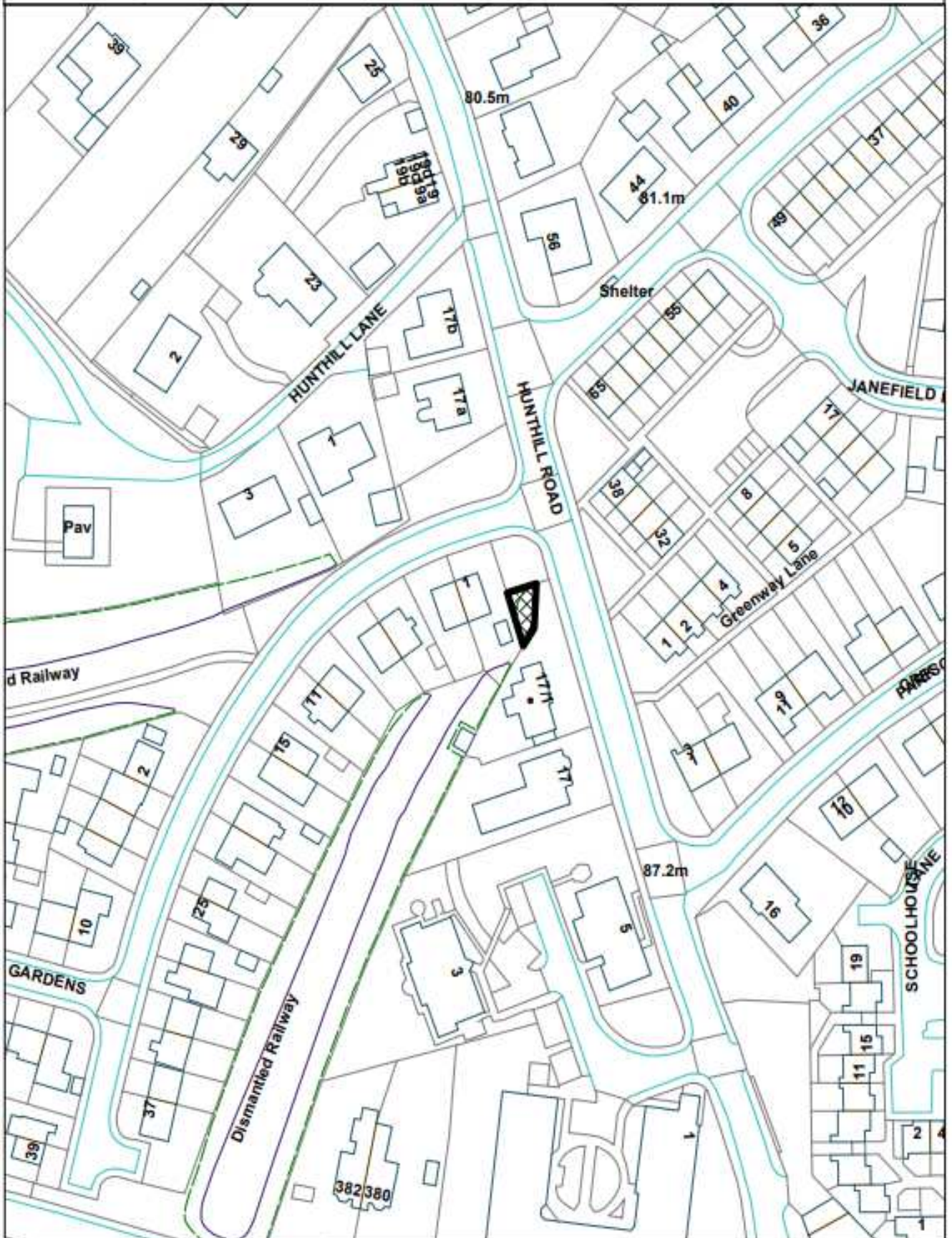
Conditions and reasons

- 1 That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no engineering works shall be undertaken or buildings and fences erected on the land relating to the change of use without the submission of a further planning application to the Council as Planning Authority.

Reason: To ensure that the Council retains control over future developments on the site.

P/21/0638

Land adjacent to 17-1, Hunthill Road, Blantyre



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Scale:
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Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

6

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1014
Planning proposal:	Erection and operation of wind farm consisting of 17 turbines (12 within South Lanarkshire) up to a maximum height to blade tip of 180m (Consultation from Scottish Ministers under S36 of the Electricity Act 1989)

1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	RWE Renewables UK Developments Ltd
Location:	Daer Wind Farm Elvanfoot ML12 6TJ

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the Scottish Government be informed that South Lanarkshire Council has no objection to the proposed erection and operation of that part of the proposed Daer Wind Farm within its administrative boundary consisting of 12 turbines, up to a maximum height to blade tip of 180m under Section 36 of the Electricity Act 1989; and
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions in relation to further agreements of conditions and planning obligations if required, with the Scottish Government.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:-
 - ◆ Community Contribution Payments
 - ◆ The funding of a Planning Monitoring Officer

The applicant will be responsible for meeting South Lanarkshire Council's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

3 Other information

- ◆ Applicant's Agent: Natural Power Consultants Limited
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Development Plan 2 (2021)**
 - Policy 1 Spatial Strategy
 - Policy 2 Climate Change
 - Policy 4 Green Belt and Rural Area
 - Policy 14 Natural and Historic Environment
 - Policy 15 Travel and Transport
 - Policy 16 Water Environment and Flooding
 - Policy 18 Renewable Energy
 - Policy SDCC2 Flood Risk
 - Policy NHE2 Archaeological Sites and Monuments
 - Policy NHE3 Listed Buildings
 - Policy NHE4 Gardens and Designed Landscapes
 - Policy NHE5 Historic Battlefields
 - Policy NHE6 Conservation Areas
 - Policy NHE8 National Nature Reserves and Sites of Special Scientific Interests
 - Policy NHE9 Protected Species
 - Policy NHE11 Peatland and Carbon Rich Soils
 - Policy NHE12 Water Environment and Biodiversity
 - Policy NHE16 Landscape
 - Policy NHE18 Walking, Cycling and Riding Routes
 - Policy NHE20 Biodiversity
 - Policy RE1 Renewable Energy
 - Policy DM1 New Development Design

Supporting Planning Guidance Renewable Energy

- ◆ **Representation(s):**
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comment Letters

- ◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

West of Scotland Archaeology Service

Countryside and Greenspace

Crawford and Elvanfoot Community Council

Roads and Transportation Services Bridges Structures Section

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 8km east of Moffat, in Dumfries and Galloway, which is the nearest town to the proposals. The site is directly adjacent to the southeast of Daer Reservoir within the Southern Uplands. The majority of the site is located within South Lanarkshire with the remaining portion located within Dumfries and Galloway including a thin strip that runs south to the A701 public road to the south of Beatoch. This strip is the proposed access route to the site and is wholly within the administrative boundary of Dumfries and Galloway.
- 1.2 The South Lanarkshire Council part of the application site is located on land designated as Rural within the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2). This portion of the site is also located within a larger area designated as the Leadhills and Lowther Hills Special Landscape Area (SLA).
- 1.3 The South Lanarkshire portion of the site lies within the Lowther (around Daer Water) Landscape Character Area (LCA) which is a subset of the larger Southern Uplands Landscape Character Type (LCT). It is located on large-scale, rolling, unforested hills and mainly comprises marshy grassland. The Southern Upland Way runs through the northern tip of the South Lanarkshire Council portion of the application site in a north west to south east direction.

2 Proposal(s)

- 2.1 An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the erection of 17 wind turbines with a maximum tip height of 180m and associated infrastructure with a proposed 35 year operating lifespan. The proposals comprise the following components:-
 - ◆ Seventeen, 180m (to blade tip) wind turbines and their foundations
 - ◆ Access track and upgrading of existing forestry tracks
 - ◆ Crane hardstanding areas adjacent to each turbine
 - ◆ Battery/ energy storage infrastructure
 - ◆ Substation, control building and compound
 - ◆ 2 anemometer masts
 - ◆ Temporary construction compounds
 - ◆ Temporary borrow pits
- 2.2 The installed turbine generation capacity of the proposals would be approximately 105.4MW which is above the 50MW threshold for applications to be made under Section 36 of the Electricity Act, 1989. Unlike an application for planning permission, the S36 application is made to the Scottish Government who are the Consenting Authority with South Lanarkshire Council being a Statutory Consultee as part of the assessment process. Five of the turbines are located in Dumfries and Galloway, who have also been consulted by Scottish Ministers for their view of the proposals.
- 2.3 Twelve of the turbines are located within the administrative boundary of South Lanarkshire Council and therefore the assessment and recommendation is based solely on these turbines. As noted in 1.1, the portion of the application site relating to the access track is solely within the administrative boundary of Dumfries and Galloway and as with the five turbines within their boundary, does not form part of the proposals under the assessment of South Lanarkshire Council. For the avoidance of doubt therefore, the following assessment and recommendation is based solely on the twelve turbines within the administrative boundary of South Lanarkshire Council.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long-term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020”.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that “This SPP introduces a presumption in favour of development that contributes to sustainable development”. At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 3.1.3 The Scottish Government's Onshore Wind Policy Statement (December 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges “the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts”.
- 3.1.4 All national policy and advice is considered in detail in section 6 of this report.

3.2 Development Plan Status

- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial Framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans.
- 3.2.2 The South Lanarkshire Local Development Plan 2 (SLLDP2) was formally adopted on 9 April 2021 and now supersedes the former Local Development Plan. For the purposes of determining planning applications, the Council will therefore assess proposals against the policies contained within the newly adopted SLLDP2. In this regard the application site and associated proposal is affected by the following policies contained in SLLDP2:-

Volume 1

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 14 Natural and Historic Environment
- ◆ Policy 15 Travel and Transport
- ◆ Policy 16 Water Environment and Flooding
- ◆ Policy 18 Renewable Energy

Volume 2

- ◆ SDCC2 Flood Risk
- ◆ NHE2 Archaeological Sites and Monuments
- ◆ NHE3 Listed Buildings
- ◆ NHE4 Gardens and Designed Landscapes
- ◆ NHE5 Historic Battlefields
- ◆ NHE6 Conservation Areas
- ◆ NHE8 National Nature Reserves and Sites of Special Scientific Interests
- ◆ NHE9 Protected Species
- ◆ NHE11 Peatland and Carbon Rich Soils
- ◆ NHE12 Water Environment and Biodiversity
- ◆ NHE16 Landscape
- ◆ NHE18 Walking, Cycling and Riding Routes
- ◆ NHE20 Biodiversity
- ◆ DM1 New Development Design
- ◆ RE1 Renewable Energy

3.2.3 In addition, the Council has prepared Supporting Planning Guidance on Renewable Energy which provides further detailed advice and requirements for renewable energy developments.

3.2.4 All these policies and guidance are examined in the assessment and conclusions section of this report. Whilst the Development Plan is not given primacy under the Electricity Act as it would under the Planning Act (for applications for planning permission), it should be noted that, given SLLDP2 is now the Council's most up to date policy position, it is the principal material consideration for the Council when assessing applications of this nature under Section 36 of the Electricity Act.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – note that access (including construction and turbine delivery) to the site is to be taken from roads in Dumfries and Galloway and therefore outwith the Council's Road network. Therefore, have no objections to the proposals on this basis.

Response: Noted. A condition is recommended that any changes to the access and delivery route to the site that would involve the South Lanarkshire Road Network would require further agreement by South Lanarkshire Council, as Planning Authority.

4.2 **Roads and Transportation Services (Structures Team)** – note that the proposed route does not involve any structures that are owned or maintained by South Lanarkshire Council and therefore have no objections to the proposals on this basis.

Response: Noted and as with 4.1 above, it is considered prudent to recommend a condition requiring the Council's further agreement should any of the proposed routes be changed.

4.3 **West of Scotland Archaeology Service (WOSAS)** – note that in terms of indirect impact on historical assets, there may be more substantial change to the setting of important heritage features in Dumfries and Galloway but that these are not present within South Lanarkshire Council. In terms of direct impact on historical assets within the South Lanarkshire portion of the site, WoSAS agree in the main with the findings of the application submission that there is potential for archaeological features to be impacted upon by the construction of the wind turbines and therefore state that a programme of archaeological works, in accordance with a written scheme of investigation agreed by the Council, as Planning Authority in consultation with WoSAS,

should be agreed before any works commence and as such implemented fully as agreed.

Response: Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of a condition requiring the further approval and implementation of archaeological works.

- 4.4 **Environmental Services** – have no objections to the proposals subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area. The limits are based on the Noise Assessment carried out within the applicant's Environmental Impact Assessment (EIA) Report and are, therefore, considered achievable throughout the lifetime of the wind farm.

Response: Noted and the recommended conditions relating to noise levels form part of the recommendation to the Scottish Government.

- 4.5 **Crawford and Elvanfoot Community Council** – object to the proposals stating that the area is already at capacity for wind development which has led to a negative impact on visitors to the area and Southern Upland Way which has led to a downturn in the local economy which is reliant on tourism. The SLLDP2 does not support turbines at this location and consideration should be given to reducing the number of turbines within the South Lanarkshire Council area from twelve to six. Also concerned by the online consultation that was carried out.

Response: The Council is only a Consultee within this process and therefore has no remit regarding the public consultation that was carried out. The concerns raised regarding the capacity of the area for proposals of this nature are contained within Section 6 of the report below. It should also be noted that this response has been forwarded to the Scottish Ministers and the points raised will be required to be addressed as part of their assessment of the proposals as the Consenting Authority.

- 4.6 The following consultees had no comments to make on the proposals:-

Roads Flood Risk Management
Countryside and Greenspace

5 Representation(s)

- 5.1 Advertisement of the application was undertaken by the applicant in August 2020 with online consultation starting in September 2020.
- 5.2 No letters of representation have been received following this advertisement.

6 Assessment and Conclusions

- 6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development comprising a wind farm with a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have the primacy it normally would for planning decisions, but it is still an important material consideration in this instance and forms the basis for the Council's assessment and consultation response.
- 6.2 In terms of National Planning Policy and Guidance, NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020.

- 6.3 The Scottish Government's Onshore Wind Policy Statement (December 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts".
- 6.4 Scottish Planning Policy Principles (page 9) states that "This SPP introduces a presumption in favour of development that contributes to sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 6.5 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises areas into their distinct groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable.

Group 2 is used to identify areas of significant protection where wind farm proposals have to "demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation". This includes areas described as 'community separation for consideration of visual impact' and this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. It is noted that in this instance there are no communities within 2km of the turbines. The other relevant area of significant protection within this group is "Other nationally important mapped environmental interests", in this instance carbon rich soils, deep peat and priority peatland habitat. Whilst not present in the majority of the application site, there are areas of the site that include carbon rich soils, deep peat and priority peatland. This is considered later in the report.

Group 3 identifies 'areas with potential for wind farm development'. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.6 onwards of this report. Paragraph 170 of SPP states that "Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities." Taking into account the above and for the reasons set out in sections 6.6 onwards, it is considered, in the main, the proposed development accords with SPP.

- 6.6 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned

to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy of GCVSDP requires proposals to accord with local development plans. The proposed development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan.

- 6.7 Turning to local planning policy in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2), the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 1 Spatial Strategy states, inter alia, that supporting renewable energy developments in appropriate locations is one of a number of ways the strategic vision of the Plan will be met. Given the extant consent for windfarm development at this location it is considered that, in principle, a scheme of 12 turbines with an approximate generating capacity of 74.4MW accords with this strategic vision subject to a detailed assessment of the proposal in relation to policy specific criteria below.
- 6.8 Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. Not all of the criteria are relevant and those that are include (3) utilising renewable energy sources; (6) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species), blue/ green networks and identify opportunities for enhancement of the natural heritage; and (13) avoid or minimise disturbance of carbon-rich soils. The proposed wind farm proposals would have a generating capacity of 74.4MW which is considered as being of a scale that would aid Government targets on renewable energy generation, it is considered that the proposal complies with Policy 2 subject to a detailed assessment of the proposals in relation to the specific criteria (6 and 13). This is addressed further under the criteria specific policies below.
- 6.9 Policy 4: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. Policy 4 does not specify renewable energy as a specific use in the countryside but supports development that cannot be accommodated within an urban settlement. It is considered that this scale of renewable energy would be a form of development that could not be accommodated within an urban settlement and is, therefore, an appropriate rural use. Policy 4 further states that the scale of renewable energy will be governed by considerations set out in Policy 18 – Renewable Energy. It is, therefore, considered that, subject to a successful assessment against Policy 18, the proposals are not contrary to the strategic aims of Policy 4.
- 6.10 Policy 18: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out at paragraph 169 and additionally for onshore wind developments of 15 metres or greater in height, the terms

of Table 7.2 of LDP2. Table 7.2 sets out the Spatial Framework for onshore wind and applies to all wind energy developments of 15 metres or greater in height. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. It sets out three groupings in relation to wind energy development. These are as follows:-

- ◆ Group 1: Areas where wind farms will not be acceptable
- ◆ Group 2: Areas of significant protection
- ◆ Group 3: Areas with potential for wind farm development

6.11 Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development and, therefore, the proposals are not located within a group 1 area.

6.12 Group 2 Areas of significant protection and SPP recognise the need for significant protection of particular areas which include:-

- ◆ National and international designations
- ◆ Other nationally important mapped environmental interests
- ◆ Community separation for consideration of visual impact

6.13 Group 2 area interests also apply to other policy criteria in relation to the natural and built environment. In relation to this, a full assessment of all international, national and local designated assets is, therefore, carried out in relation to Policy 14 below and includes assets such as listed buildings and the water environment which are not classed as Group 2 Areas of significant protection in the spatial framework for onshore wind but are, however, detailed policy considerations. These are taken in turn below.

6.14 Policy 14: Natural and Historic Environment and the associated Volume 2 Natural and Historic Environment (NHE) policies provide the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features, as listed in Table 6.2 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and are assessed in turn below.

6.15 Category 1 areas are international designations and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites). Policy 14 states that development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within or adjacent to any SPA or SACs.

6.16 Policy 14 states that in Category 2 (National Designation) areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy criteria provided in the NHE Policies within LDP2 Volume 2.

- 6.17 National Designations include several historical assets and they are set out below in relation to their own specific policy:-
- ◆ Policy NHE 2 Archaeological Sites and Monuments states that developments which have an adverse effect on scheduled monuments or their settings shall not be permitted unless there are exceptional circumstances
 - ◆ Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest
 - ◆ Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character
 - ◆ Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site
- 6.18 There are no scheduled monuments, listed buildings, Inventory Gardens and Designed Landscapes (GDL) or Historic Battlefields within the application site. There are three Scheduled Monuments within 5km of the proposed development and it is noted that they are to the south of the full application site within the administrative boundary of Dumfries and Galloway. Whilst not within the remit of South Lanarkshire Council, it should also be noted that Historic Environment Scotland, in their response to Scottish Ministers, have no objections to the proposals in relation to their impact on these and any other national designated historic asset. There are no A Listed Buildings within 5km of the application site. There are no other designated national historic assets within a 5km radius of the proposed development. It is, therefore, considered that the proposals accord with the relevant policy criteria in policies NHE 2 - 5 in this instance.
- 6.19 The remaining, relevant national designations within Policy 14 Category 2 are Sites of Special Scientific Interest (SSSI), priority peatland and the Water Environment.
- 6.20 Policy NHE 8 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- 6.21 Shiel Dod SSSI lies approximately 800m from one of the proposed turbines (T17). This SSSI is designated for its assemblage of upland vegetation. It is considered that at a distance of over 800m from the nearest turbine, this vegetation would not be impacted by the proposals.
- 6.22 Policy NHE11 Peatland and Carbon Rich Soils seeks to protect peatland from adverse impacts resulting from development. Within the application site there are areas which have been identified as Class 1 and Class 2 Carbon and Peatland which relates to nationally important carbon-rich soils, deep peat and priority peatland habitat. The majority of the site shows a dominance of Class 3 (vegetation cover does not indicate priority peatland) and Class 5 (vegetation cover does not indicate peatland habitat). Peat surveys have been carried out on site and the results of these indicate that the peatland habitat within the application site is in a degraded condition and probably not attributable to the nationally important Classes 1 and 2. As part of the application submission, a peat management plan (PMP) is proposed outlining methods of

handling peat on site to ensure that where it is displaced it can be relocated within a suitable area of site. It is considered that this is suitable mitigation for peat management on site and conditions requiring a PMP form part of the recommendation to the Scottish Government. The submission also contains reference to a proposed Habitat Management Plan (HMP) and that one of its main aims would be to improve and restore areas of blanket and modified bog within the application site. Again, it is considered that the principle of these aims of the HMP are suitable mitigation and enhancement of the peatland within the application site and, subject to suitable details, would be a positive benefit for the site. A condition requiring full details of an HMP to be agreed and implemented form part of the recommendation to Scottish Government. It should be noted that both SEPA and Nature Scot are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would also be addressed. It is noted that neither have objected to the proposals as part of their consultation responses to Scottish Governments, although both recommend the further approval of detailed peat management measures and NatureScot have requested an extended area of peatland restoration as part of any Habitat Management Plan.

- 6.23 Policy NHE12 Water Environment and Biodiversity states development proposals should protect and where possible, enhance the water environment. This Policy should also be read in tandem with Policy 16 Water Environment and Flooding and Volume 2 Policy SDCC2 Flood Risk. These Policies state that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The EIA Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. Mitigation measures are proposed to further minimise the development's impact and this includes following a Construction Environmental Management Plan (CEMP) to ensure no oils or other potential pollutants during the construction phase are spilled and enter watercourses. Other mitigation includes surface draining for the areas of hardstanding to direct surface water into the surrounding water table. The application area is not identified as being at the risk of flooding. It is considered that the proposals will have a limited impact upon the water environment and that the mitigation measures proposed are suitable. It should also be noted that separately, SEPA have provided further detailed advice on the water environment to the Scottish Government in their consultation response.
- 6.24 In terms of category 3 areas, Policy 14 sets out natural and historic assets at a local level and these are taken in turn below.
- 6.25 In relation to Non-Scheduled archaeological sites, Category B and C Listed Buildings and Conservation Areas, the relevant policy criteria is as follows:-
- ◆ Policy NHE 2 in relation to non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
 - ◆ Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
 - ◆ Policy NHE 6 Conservation Areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.

- 6.26 As noted in 6.18, it is considered that the proposals would not have any impact on A listed buildings. In relation to B and C category listed buildings, again there are none within the application site or within 5km of the application site.
- 6.27 In relation to non-scheduled archaeological sites, a desk-based assessment has been carried out which identifies that the application site has archaeological potential ranging from pre-historic to mediaeval settlements. WoSAS have no objections to the proposals but state that given there is potential for the area to produce archaeological finds of interest, they agree that there is archaeological potential within the application site and have, therefore, requested that a written scheme of investigation and a programme of archaeological works are implemented as part of any approval. A suitable suspensive archaeological condition forms part of the recommended response to the Scottish Government.
- 6.28 Policy 14 includes Special Landscape Areas within its category 3 (Local designations). Volume 2 Policy NHE16 Landscape requires development to maintain and enhance SLAs and the wider landscape. The application site lies within the Leadhills and Lowther Hills SLA. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The SLA has been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. Policy NHE16 requires development within SLAs to take account of the South Lanarkshire Landscape Assessment to ensure the integrity of the landscape character that led to the SLA designation is not compromised by development. The SLA designation does not in itself limit development, but development should not impinge on the special character of the area. In this instance this SLA designation relates to the large-scale remoteness of the landscape resulting in a sense of isolation. The landscape is characterised by being barren in terms of forestation which enhances this feeling of remoteness. It is considered that the large scale nature of the SLA landscape, and the fact turbines are a form of development where there is not a high level of human activity, would not lead to the landscape's sense of isolation being impinged upon. The turbines would not dominate the sense of wilderness of the landscape character and therefore not impact upon this character. It is, therefore, considered that the integrity and character of this SLA would not be compromised by the proposed development. Further landscape and visual impact assessment is carried out in further detail below.
- 6.29 The remaining relevant category 3 interests are core paths and Rights of Way. Policy NHE18 Walking, Cycling and Riding Routes requires the safeguarding of existing and proposed routes within the Council's Core Paths Plan. The Southern Upland Way (SUW) transects the northern section of the application site. The design of the proposals has included a zone of exclusion on either side of the SUW of at least 180m at all points to ensure the SUW is not within any "topple" zone of the turbines. This exclusion zone should also ensure that access to this portion of the SUW is constant for users throughout the construction and operational period of the proposed wind farm. A Right of Way (SL170) is also located within the application site but does not run through any development area and will therefore be unaffected by the operation of the proposals. It does run through an existing track which will be utilised for turbine delivery and therefore during the construction period the applicant would be required to provide a temporary diversion on the grounds of health and safety. The application submission contains details of proposed upgrades to this portion of the SUW by the installation of interpretation boards for users as well as installing additional footpaths where the SUW currently runs along a short section of the A702 public road to improve separation of recreational users from vehicular traffic. It is, therefore, considered that the proposals are acceptable in relation to public access. A condition requiring approval of an Access Management Plan, which would include the temporary path

diversion and SUW improvements, forms part of the recommended response to the Scottish Government.

- 6.30 Whilst not specifically included in categories 1, 2 or 3, protected species are a natural asset within the Policy 14 criteria. Policy NHE9 further supports Policy 14 by stating that new development must demonstrate that it would not have an adverse impact upon protected species. Policy NHE20 expands on this theme by expecting new development to not have an adverse impact upon the biodiversity of an area and should consider opportunities to contribute positively to biodiversity conservation and enhancement.
- 6.31 Protected species surveys have been carried out as part of the EIA Report which state that the development would not have a significant impact upon protected species and habitats. There are two, Black Grouse Lek sites recorded within the main wind farm area. Best practice states that turbines should not be located within 500m of lekking areas. In this instance, turbines 7 and 8 are currently within 350-450m of one of the lekking areas. It is considered that these turbines should be relocated to ensure that they are at least 500m from the lekking area. It is considered that a relocation of 150m for turbines of this scale would not have any significant impact on any of the other potential impacts and as such can be addressed through a condition if consent is given. A condition requiring this relocation therefore forms part of the recommendation to the Scottish Government. The EIA Report contains chapters on Ecology (Chapter 8) and Ornithology (Chapter 7). Both chapters set out mitigation in relation to ecological and ornithological assets and it is considered that these are acceptable and should be conditioned to ensure that this mitigation is carried out should the development be consented. A condition requiring this mitigation to be implemented forms part of the recommendation to the Scottish Government. It is noted that NatureScot and the RSPB have provided detailed advice on Ecology and Ornithology as part of their consultation responses to the Scottish Government.
- 6.32 It is therefore considered that, following the above consideration in relation to designations, that the proposals meet the relevant policy criteria in this instance. As noted at 6.10 above, Policy 18 Renewable Energy sets out a spatial framework for Wind Energy. In this instance, in view of the assessment from 6.14 onwards in relation to national and international designations (SPA, SSSI, Inventory of Gardens and Designed Landscapes, Inventory of Historic Battlefields and Priority Peatland) it is considered that, whilst located in proximity to these designations, they are not considered to have a detrimental impact upon them. Overall, therefore, it is concluded the aims of Policy 14 are met.
- 6.33 The final qualifying criteria of being located within a Group 2 categorisation (Areas of Significant Protection) is applicable only if proposals are located within 2km of any city, town or village identified on the local development plan with an identified settlement envelope or edge. The application site is not within 2km of any community or settlement. It is therefore considered that outwith the carbon rich soils and peatland, the application site can be considered to be within a Group 3 (Areas with potential for wind farm development) categorisation where the spatial framework states wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria.
- 6.34 Policy 18 is an overarching renewable policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within SLLDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment

Checklist contained with Appendix 1 of SLLDP 2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape capacity for wind energy 2016 (as amended by the Tall Wind Turbines Guidance 2017) and other relevant SLLDP2 Policies. All the RE1 above referenced criteria and guidance have been included in the following Assessment Checklist and are referenced where appropriate. As previously noted, the Council is only a consultee in the assessment of this application and, therefore, only the relevant criteria is assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc, therefore, do not form part of this assessment as they will be providing their own responses to the Scottish Government.

6.35 The relevant SLLDP2 Volume 2 Appendix criteria are taken in turn as follows:-

6.36 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.12 to 6.23 and it is considered that there are no adverse effects on national and international designations.

6.37 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).

This has previously been assessed in paragraph 6.22.

6.38 Community separation for consideration of visual impact.

As noted in 6.33 there are no communities within 2km of the proposed turbines.

6.39 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Chapter 14 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development will have a range of direct and indirect local economic benefits from the construction, operation and supply chain involved in the project. Reference is also made to the making of community benefit payments based on electricity generated if the wind farm becomes operational.

6.40 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.

It is considered that the generating capacity of the proposed wind farm (74.4MW) with further potential battery storage represents a significant renewable energy project which would contribute to Scotland's renewable energy targets. It is also noted that the proposals also include a further five turbines outside the South Lanarkshire Area which, if the whole scheme was approved would result in an additional 104.4MW in total of renewable energy generation. A Carbon Balance Assessment forms part of the submission which calculates that the proposed development would effectively have paid back it's expected carbon debit from manufacturing, construction, impact on habitat and decommissioning within 1.7 years of operation leaving approximately 33.3 years of renewable energy generation with no carbon debit.

6.41 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.

This consideration has been assessed within 6.30 to 6.31 above. It is considered that, subject to the relocation of Turbines 7 and 8 so that they would be 500m from a Black Grouse lekking area, the implementation of the mitigation described in the EIA Report and the setting up of a Habitat Management Group (HMG), the proposed development accords with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds.

6.42 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).

As noted above, it is considered appropriate to recommend the implementation of a HMP as part of any consent in tandem with an HMG.

6.43 Landscape and visual impacts

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Landscape impact is in essence an assessment of whether a landscape and its character is susceptible to development or not. Secondly, the visual impact is assessed followed by the impact on visual residential amenity. Visual impact is therefore, in essence, a development's impact in relation to how it impacts upon receptors. The landscape and visual assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire. It is noted that the Talla -Hart Fells Wild Land Area is approximately 10 to 14km from the proposals. This wild land area is not within South Lanarkshire, and it is noted that NatureScot have provided detailed advice in relation to this nationally important asset as part of their consultation response to the Scottish Government.

6.44 The application site is located within the Southern Uplands Landscape Character Type (LCT) and specifically within the Lowther (around Daer Water) Landscape Character Area (LCA), as defined in the South Lanarkshire Landscape Character Assessment 2010. The key characteristics of this LCA are its large scale rolling hills surrounding the Daer Reservoir and bordering Dumfries and Galloway. The area lies between two very large wind farm developments (Clyde Wind Farm to the north and Harestanes (in Dumfries and Galloway) to the south). The hills are largely unforested, are relatively remote and undeveloped and lie entirely within the Lowther Hills SLA. As noted, the SUW passes through the area.

6.45 South Lanarkshire's Landscape Capacity for Wind Turbines 2016 (LCAP) and its Tall Turbines Addendum (2019) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands. The LCAP notes that there is capacity for wind farm development within this LCA but that it should be strictly limited to maintain differences in character from the much more developed area around Clyde Wind Farm to the north and maintain a gap between Clyde Wind Farm and Harestanes Wind Farm to the south. Developments lying between these two extensive schemes would reduce their separation which would increase the potential for visual coalescence. The application site is located within an area that is identified as having no capacity for wind turbines at a scale of 150 metres to 250 metres within the finalised Tall Turbine Addendum 2019 (hereon referred to as the Addendum), to the LCAP. This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150 metres may be appropriate. It identifies areas into 4 categories of capacity, High, Medium, Low and None. It should be noted that the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document and whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains further, LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 250 metres in the Southern Uplands LCT. It states that the large-scale nature

of the LCT and the potential for rolling landforms to screen turbines can offer some advantages to the siting of large-scale turbines but that the already wind farm developed nature of parts of the LCT prohibits some areas for development given it would lead to coalescence of these existing wind farms.

- 6.46 It is therefore considered that whilst there is potential for siting large-scale turbines of this scale within the landscape, it requires careful siting to ensure that they do not appear to merge with the existing large-scale wind farm already within the landscape. The Addendum notes that the Lowther Hills (Around Daer Water) LCT is considered to be a more sensitive LCT within the Southern Uplands LCA given its distinctive character that separates extensively developed areas of existing wind farms. Therefore, whilst there is potential for large scale wind energy development within the Southern Uplands LCA, the Addendum would not expect it within this specific LCT given that it acts as a visual buffer between existing large scale wind farms. However, each development should also be judged on its own siting and design and one of the key considerations of the current proposals will be whether it would materially affect this landscape buffer between large wind farms to the north and south.
- 6.47 In terms of the landscape capacity of the specific site area, the rolling nature of the landscape provides a background and backcloth in which to frame turbines within the application site. In landscape terms, in a landscape of this scale and taking account of the rolling nature of the landscape which offers some screening of the proposals from the wider landscape, it is considered that the tight knit layout of the scheme running north to south directly to the east of Daer Reservoir minimises their spread within the landscape, limiting any potential coalescence with the Clyde and Harestanes developments. This results in a more localised development that sits within its own confines rather than being spread across the landscape. Again, the tight knit layout minimises the impact within the rolling nature of the landscape where areas are screened from other areas creating distinct pockets within the broader landscape.
- 6.48 In terms of visual impact, whilst located within a remote area the SUW is a popular walking route that brings activity and users into the area. The SUW therefore results in more users than would normally be expected within such a remote area which results in the proposal's visual impact to be noticed through the popularity of the SUW. It is noted that users of this section of the SUW may already be sensitised to wind farm development given the SUW transects an area that has views of large-scale wind farms as part of the panoramic experience of this part of the walk. It is noted, however, in this instance the visual impact of the wind turbines would not be viewed from a distance but would instead be an immediate visual feature of this part of the SUW given their proximity to this section of the walk which runs to the north of two turbines approximately 180m away from the user. It is noted that when immediately leaving the southeast boundary of the application site, the SUW trails through an existing forest which will help screen the immediate impact of the turbines from view. It is considered that whilst having a significant visual impact to users of this part of the SUW it is fairly limited in terms of the length of the SUW that it will affect. It is also considered that the impact is not on permanent receptors but instead to users who are temporarily within the area for recreation.
- 6.49 In terms of other cumulative visual impacts, it is considered that the location of the turbines and their narrow, tight knit formation would again ensure that they are not read in relation to other wind farms which would localise their visual impact.

- 6.50 As the turbines are over 150m in height, they will need to have some form of aviation safety lighting installed on at least some of the turbines. It is considered that this would also create a significant visual impact within the area given that there is no other similar lighting within the immediate area. As turbine technology has led to heights of turbines increasing past this 150m threshold, aviation lighting mitigation has started to be developed. Potential mitigation proposals are to only light the minimum number of turbines required for aviation safety, lighting being focussed upwards and lighting being able to be turned off as and when required via aircraft transponders. Whilst it has to be acknowledged that the lighting will have a visual impact, it is considered that lighting mitigation can soften this impact. Further approval of an aviation lighting scheme forms a condition attached to the recommendation to the Scottish Government.
- 6.51 As part of the application submission, a Residential Visual Amenity Assessment (RVAA) has been carried out. It is generally considered that a distance of 2km from a turbine is appropriate to ensure there is no impact on residential amenity without the need for any further assessment. In this instance the RVAA has identified 5 properties that are within 2km of a proposed turbine. The 2 nearest properties are located 1.3km from turbines. The RVAA has carried out an assessment on all 5 properties and given the landform, orientation of windows and distances from the turbines it concludes that there will not be any significant impact upon the amenity of these properties that would have a detrimental impact upon their amenity. It is, therefore, considered that the distance between residential properties and communities is acceptable in this instance and that, whilst the turbines would have a visual impact, it is one that is not of a significance to be considered detrimental to the residential amenity of the area.
- 6.52 It is therefore concluded that the proposals would have a landscape and visual impact upon the area. The LCAP and Addendum would not normally support turbines of this scale within this LCT, however, this largely reflects concerns regarding coalescence with other wind farms. It is considered that the location, design and layout of the scheme can negate this concern. It does have to be acknowledged that the close proximity of the SUW to the turbines results in a higher number of receptors being affected by their visual impact, albeit on a temporary nature. This visual impact has to be assessed in relation to the merits of the renewable energy generation of the proposals and whether, on balance it is sufficient enough to consider setting aside the concerns regarding temporary visual impact to users of the SUW. As noted, the scheme is of a large scale and the South Lanarkshire portion of the site itself would have a generating capacity of some 74.4MW and the scheme as a whole would have a capacity of 105.4MW. It is considered that on balance this contribution to national energy targets outweighs the visual impact it may create to users of the SUW given they are transient receptors and not permanent within the area.
- 6.53 Impacts on communities and individual dwellings, including visual impact, noise and shadow flicker
The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of the Assessment Checklist. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraph 6.51 above.
- 6.54 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the EIA Report (Chapter 10). The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which

require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition, Environmental Services recommend as part of this condition a requirement of a procedure in the event of there being a noise complaint from the proposed development that requires addressing. Shadow flicker is addressed within Chapter 13 of the EIA Report. The shadow flicker analysis within this Chapter of the EIA report modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north. 10 rotor diameters would result in a distance of 1550m from each turbine as the potential shadow flicker area. This results in 5 properties being within 1550m and the 130 degree angle either side of north. 4 of the 5 properties are financially involved with the project but ultimately the shadow flicker analysis shows all 5 properties as potentially receiving (at worst case scenario i.e., constant, unobscured daylight hours) no more than up to 30 hours of shadow flicker a year which is under the yearly threshold recommended by the Department of Energy and Climate Change. Environmental Services have not raised any concerns in relation to the shadow flicker assessment. It is, therefore, considered that there are no receptors affected to a detrimental degree by potential shadow flicker from the proposals.

6.55 Impact on Public Access

This consideration has been assessed in 6.29 above.

6.56 Impacts on the historic environment

This consideration has been assessed in 6.18 and 6.25 to 6.27 above.

6.57 Impacts on tourism and recreation

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 14 (Socioeconomics). The assessment in the EIA Report concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets given the relatively remote location of the proposals. It is considered that the overall effect of the proposals on these attractions would not be significant. As well as the SUW, there are a number of walking routes within the area, however, it is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore, the proposals are not considered to be significant in this respect. Overall, the effects are considered not to be significant on tourism and recreation.

6.58 Impact on road traffic and on trunk roads

As noted in 4.1 above, the proposals do not involve the public road network under the administration of South Lanarkshire Council.

6.59 Impacts on hydrology, water environment and flood risk

These considerations have been assessed in 6.23 above.

6.60 Decommissioning and restoration

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust, and any consent granted will require a decommissioning and restoration condition attached. The EIA Report sets out a brief summary of the decommissioning proposals which includes all components being removed from site and disposed of and/or recycled as appropriate, and in accordance with regulations in place at that time. If required, exposed parts of the concrete turbine foundations would be ground down to below sub-soil level with the remaining volume of the foundations left in situ. The turbine base area and crane pads would be returned to their original appearances unless further consents were granted. It is, therefore, considered as part of any response to the Scottish Government that, if consent is

granted, conditions shall be attached requiring that a decommissioning and restoration plan and to secure a decommissioning bond that satisfies the Council's requirements.

6.61 Energy storage

The proposals include the installation of battery storage which will utilise the best available technology at point of installation.

6.62 Site decommissioning and restoration bond

As noted at paragraph 6.60 above, it would be a requirement of any consent that decommissioning and a restoration bond or financial guarantee should be put in place to meet all the expected costs of the proposed decommissioning and restoration phase. The bond or guarantee will have to satisfy the Council's criteria.

6.63 Forestry and woodland removal

The application site does not require any forest or woodland removal. Felling is required as part of the access track but this is outwith the administrative boundary of South Lanarkshire Council.

6.64 Impact on Prime Agricultural Land

There is no Prime Agricultural Land within the application site.

6.65 Borrow pits

Assessment Checklist Criteria 24 requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. Paragraph 243 of SPP states that borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries and that if they are acceptable, they should be restored following the construction period of the wind farm. Borrow pits are proposed for the construction of the wind farm. In this instance, the remoteness of the application site does add an economic and environmental cost to the project in terms of lorry distances. It is, therefore, considered that borrow pits would be acceptable in this instance. A condition requiring a restoration plan for any borrow pit would form part of any response to the Scottish Government.

6.66 Environmental Protection

Assessment Checklist Criteria 25 requires that all appropriate authorisations or licences under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. It is noted that SEPA will be providing a detailed consultation response to the Scottish Government including comments on Environmental Protection. The Council will, however, be responding requesting that a condition requiring the submission and approval by the Planning Authority, in consultation with SEPA and NatureScot, of a Construction Environmental Management Plan (CEMP) which includes a site-specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan be attached to the consent, if granted.

6.67 Mitigation

Assessment Checklist Criteria 27 requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report, the application was submitted with a robust EIA Report containing appropriate mitigation measures and environmental commitments. The response to the Scottish Government will recommend the implementation of all the mitigation measures as outlined throughout the EIA Report.

6.68 Legal agreement

Assessment Checklist Criteria 28 requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a legal agreement to secure a community benefit payment and the financial provision for a Planning Monitoring Officer will be required to be entered into if consent is granted. The applicant has confirmed that, should consent for the proposed development be granted and implemented, the applicant would provide a package of community benefit. The level of contribution is not a material consideration in the assessment of the application.

6.69 Environmental Impact Assessment (EIA)

Assessment Checklist Criteria 29 requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted throughout Section 6 of this report, an Environmental Impact Assessment Report accompanied the Section 36 application submission.

6.70 It is, therefore, considered that the proposals meet the relevant Assessment Checklist Criteria and the relevant Policies of SLLDP2 where appropriate.

Conclusion

6.71 The proposals are for the erection of seventeen wind turbines at a height of 180 metres to tip and associated infrastructure. The proposals have a generating capacity of 105.4MW and, therefore, the application has been made to the Scottish Government under Section 36 of the Electricity Act 1989. South Lanarkshire Council is a statutory consultee as part of a Section 36 application. Only twelve of the seventeen turbines are within the administrative boundary of South Lanarkshire, with the remaining five turbines located within the administrative boundary of Dumfries and Galloway who have also been consulted by the Scottish Government. The generating capacity of the twelve turbines within the Council's boundary is 74.4MW.

6.72 The turbines that would be erected within South Lanarkshire are located within an area that has not been identified as having capacity for turbines of this scale. This position is based on concerns regarding the current landscape being turbine free and a visual separation between two large wind farms to the north and south of the site. However, it is considered that the scale and layout of the proposed wind farm would not spread across a large extent of the landscape (indeed it is in effect self-contained) and therefore it would not create the concerns regarding the coalescence of the two existing wind farms. The design and layout of the turbines and the separation distance from the existing wind farms and scale of the landscape minimise the visual impact the proposals may have on surrounding settlements and individual receptors. The exception is a small portion of the Southern Upland Way which runs directly to the east, some 180m from two of the turbines. It is considered that whilst the users of this walking route would be visually impacted by these turbines being in close proximity to the route, it would only be temporary in nature as they pass along this section of the walk. It is considered that on balance, the scale of the renewable energy produced outweighs that of any temporary impact the turbines may have on a small section of this route. The application proposes mitigation in relation to the environment and would have no significant impact upon natural and cultural designations. The proposed mitigation measures are considered appropriate subject to being conditioned to any permission. No objections have been received from Council consultees.

- 6.73 In view of the above, it is considered that on balance the proposals accord with national, strategic and local planning policy on renewable energy development. It is, therefore, recommended that the Council in its consultation response does not object to the application subject to the conditions listed in the paper apart and the conclusion of a legal agreement to address the matters described on the front page of the report.

7 Reasons for Decision

- 7.1 The proposed twelve, 180m to tip height turbines located within the administrative boundary of South Lanarkshire are, on balance, considered acceptable; are not considered to have any significant, adverse impact within the surrounding area; and accord with National Policy and the relevant provisions of the Development Plan and allow a consultation response of no objection being made to the Scottish Government subject to the imposition of the attached, recommended environmental and transportation conditions.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous References

- ◆ None

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 2021 (adopted)
- ▶ Consultations
 - Environmental Services 07.03.2022
 - Roads Development Management Team 07.06.2021
 - West of Scotland Archaeology Service 18.10.2021
 - Crawford and Elvanfoot Community Council 14.06.2021
 - Roads and Transportation Services Bridges Structures 16.06.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

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Conditions and reasons

01. Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application and the accompanying Environmental Impact Assessment (EIA) Report including all Appendices, including all mitigation and monitoring measures stated in it, and other documentation lodged in support of the application.

Reason: to ensure that the Development is carried out in accordance with the approved details.

02. No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The wind turbines shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. All wind turbine blades shall rotate in the same direction.

Reason: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

03. No wind turbine, anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the planning authority.

Reason: in the interests of the visual amenity of the area.

04. That no turbine, hereby approved, shall be located within 500m of the Sweetsha Rig Lek as identified within the EIA Report. Details of any turbine relocation to meet this 500m distance shall be submitted for the written approval of the Council, as Planning Authority in consultation with NatureScot. Once approved the turbines shall be built in the location as approved.

Reason: In the interests of protection of a lekking site.

05. Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.

Reason: In order to retain effective planning control

06. No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

- (a) a detailed working method statement based on site survey information and ground investigations;
- (b) details of the handling of any overburden (including peat, soil and rock);
- (c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;
- (d) a programme of implementation of the works described in the scheme; and
- (e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall be implemented in full.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.

07. No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.

The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:-

- ◆ Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- ◆ Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts in any one month period, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;
- ◆ Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- ◆ Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties; and
- ◆ Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

No blasting shall take place except between the following times:-

10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and;
10.00 - 12.00 Saturdays.

For the avoidance of doubt, in any instance where a charge is set and it is expedient under HSE regulations to carry out the blast outwith these times the Council shall be alerted via email no later than 2 hours after the blast.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

08. At times during which Borrow Pits are operational, then the noise levels shall be restricted to 55dB LAeq (1hr) or background LA90 (1hr) + 10dBA, whichever is the lesser and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise. The level has been derived from PAN 50 Annex A Controlling the Environmental Effects of Surface Mineral Workings Annex A: The Control of Noise at Surface Mineral Workings.

Details of any blasting at borrow pits should be included with a method statement and relevant reports as necessary.

Reason: In the interests of residential amenity

09. The applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 7.00am to 7.00pm, Saturday 7.00am to 1.00pm and Sunday - No audible activity with no audible activity taking place on Sunday, local and national bank holiday - without prior written approval of the Planning Authority.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

Reason: In the interests of residential amenity

10. 1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within the Daer Wind Farm, Environmental Impact Assessment, Chapter 10: Noise (Revision 1232934A of 16/02/2021) as submitted in support of the application, the following noise immissions shall be adhered to-

- 1.1 Cumulative Day Time

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on the cumulative projections contained within the Daer Wind Farm, Environmental Impact Assessment, Chapter 10: Noise (Revision 1232934A of 16/02/2021) Table 10/12.

- 1.2 Cumulative Night Time

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on the cumulative projections contained This is based on the cumulative projections contained within the Daer Wind Farm, Environmental Impact Assessment, Chapter 10: Noise (Revision 1232934A of 16/02/2021) Table 10.12 within the context of statement 10.7.5.

1.3 IOA Good Practice Guide Example Condition.

Should the permitted ETSU-R-97 conditions above be apportioned within the format of the IOA Good Practice Guide Example Condition- the proposed noise limits as detailed within Table 10.12 for both daytime and night time.

2.0 Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in above shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97. The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

3.0 Investigation of Complaints

At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind farm operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local Planning Authority to be present in the noise immissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

Reason: In the interests of amenity

11. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:
 - (a) be granted in favour of the planning authority
 - (b) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;

- (c) be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development.
- (d) contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
- (e) come into effect on or before the date of commencement of development.

No work shall begin at the site until (1) written approval of the Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the planning authority.

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

12. No development shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works ("ECoW") by the Company have been submitted to and approved in writing by the Planning Authority in consultation. The terms of appointment shall:

- (a) impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the EIA Report and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved;
- (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
- (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (e) advising the Company on adequate protection of nature conservation interests on the site; and
- (f) directing the micro-siting and placement of the turbines and infrastructure.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction and restoration phase.

13. No later than eighteen months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.

14. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Planning Authority in consultation with SEPA and NatureScot.

The CEMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the EIA Report and Appendices. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The CEMP shall include, but not be limited to the following:

- (a) A plan of the construction operations at an appropriate scale;
- (b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
- (c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
- (d) Track design approach
- (e) Maps of tracks indicating double and single tracks and position of passing places.
- (f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
- (g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat 1:10, cross slopes or other ground unsuitable for floating roads.
- (h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
- (i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and NatureScot and SEPA guidance.
- (j) A management plan for minimising the emission of dust from the construction and operation of the development.
- (k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
- (l) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
- (m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
- (n) A description of and measures to mitigate impact on surface water, watercourses, hydrology, and private water supplies.
- (o) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.

- (p) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during periods of high rainfall.
- (q) Timing and extent of any necessary re-instatement.
- (r) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
- (s) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by Forestry and Land Scotland.
- (t) Ground Water and Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by competent qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- (u) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- (v) a site waste management plan

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: To ensure that all works are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application, or as otherwise agreed.

15. No development shall commence unless and until a detailed Peat Management Plan (PMP), addressing all areas to be disturbed by construction, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The PMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from NatureScot and the Scottish UK wind farm industry. The PMP shall include:

- (a) Detail on how the mitigation proposed in the application documents will be incorporated into the construction activities and incorporate relevant best practice on handling and storage of peat and construction methods designed to minimise impacts on peatland habitats.

- (b) Further peat probing information in areas of infrastructure that has not previously been probed;
- (c) Details of layout and management measures taken to reduce the volume of peat disturbance (including final expected volumes, depth and location of any peat disturbed);
- (d) Updated disturbance and re-use calculations within the site (breaking the peat down into acrotelmic and catotelmic), including a plan showing volumes, location and usage; Details of any disposal of peat proposed, including volumes, detailed disposal proposals and details of how peat usage has been limited to undisturbed ground; and;
- (e) Details of storage and handling of excavated peat, including a plan showing proposed storage areas;
- (f) All works on site must be undertaken in accordance with the approved Peat Management Plan unless otherwise agreed in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: In the interests of ensuring the conservation of peat resources.

16. That before any work starts on site, a species protection plan (SPP) for Black Grouse shall be submitted for the written approval of the Council, as Planning Authority in consultation with NatureScot. For the avoidance of doubt the SPP shall contain, but not be limited to, the specific advice contained within their consultation response to the Scottish Government dated 23.07.2021. Once approved, the SPP shall be implemented as such and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of species protection.

17. That no permission is granted for any other route to site for construction materials and turbine delivery. Should any deviation to the approved route be proposed that includes the South Lanarkshire Council public road network this will need the written approval of South Lanarkshire Council, as Planning Authority.

Reason: In the interests of road safety.

18. No development shall commence until a detailed Access Management Plan (AMP) has been submitted to and approved by the Planning Authority. The approved AMP must thereafter be implemented within the timescales set out. The AMP shall be produced in consultation with the Planning Authority's Countryside and Greenspace Service. The AMP shall incorporate and identify the Planning Authority's Core Path and Wider Network and provide signage where the network identifies links. No works shall commence on site until such times as the AMP has been submitted and approved in writing by the Planning Authority and thereafter implemented in full and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of amenity and in order to retain effective planning control.

19. No development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot.

The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat improvements and creation of new habitats to aid biodiversity on site.

The HMP shall be based on, but not limited to, the habitat management principles outlined within the EIA Report. The finalised HMP shall include additional measures which would directly benefit the area of Class 1 peat. Consideration should also be given to proactive peatland enhancement measure such as restoration of peatland habitat throughout the application site.

The HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved HMP shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot.

The HMP shall set out details of the implementation of a Habitat Management Group.

Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full and within the timescales set out in the approved HMP.

Reason: In the interests of good land management and the protection of habitats and reduce the attractiveness of the site to SPA qualifying species.

20. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include, but not be limited to, a representative of South Lanarkshire Council, NatureScot and the RSPB and shall have powers to propose reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,
- (a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.
 - (b) The HMP will operate for the full lifespan of the wind farm, including decommissioning
 - (c) The agreed proposals identified in the HMP will be fully implemented
 - (d) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.

Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

21. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To ensure the protection or recording of archaeological features on the site.

22. If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Planning Authority, the Company shall by no later than the date of expiration of the 12 month period, submit a scheme to the Planning Authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Planning Authority.

Reason: To ensure that any redundant wind turbine is removed from Site, in the interests of safety, amenity and environmental protection.

23. No wind turbines shall be erected unless and until a scheme for aviation lighting for the Development has been submitted to, and approved by, the Planning Authority. The scheme shall include details of any aviation lighting required by Civil Aviation Authority and Ministry of Defence which is to be applied.

No lighting other than that described in the scheme shall be applied, other than that required for health and safety purposes, unless otherwise agreed in writing by the Planning Authority.

The required aviation lighting shall thereafter be maintained as approved for the lifetime of the Development.

The Development shall be operated in accordance with the approved scheme.

Reason: In the interests of aviation safety and visual amenity.

24. No development shall commence unless and until an outline decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot and SEPA).

The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

25. No development shall commence unless and until the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS have been provided with the following information, and evidence has been provided to the Planning Authority that this has been done:

- (a) the date of the expected commencement of each stage of construction;
- (b) the height above ground level of the tallest structure forming part of the Development;
- (c) the maximum extension height of any construction equipment; and
- (d) the position of the wind turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

26. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Figure 1.1 Site Layout within Volume 2A EIA Report, a variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis:
- (a) if the micro-sited position is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW),
 - (b) Unless otherwise agreed in writing by the Council, as Planning Authority in consultation with SEPA said provisions relating to micro-sited position shall not have the effect such that any micro-sited position will:
 - bring a turbine any closer to an uninvolved property than is already approved
 - bring a turbine outwith the planning application boundary
 - take place within the water buffer zones
 - take place within areas of peat of greater depth than the original location
 - take place within the buffers identified for Private Waster Supplies (PWS)
 - take place within 500m of any identified Black Grouse Lek Area.

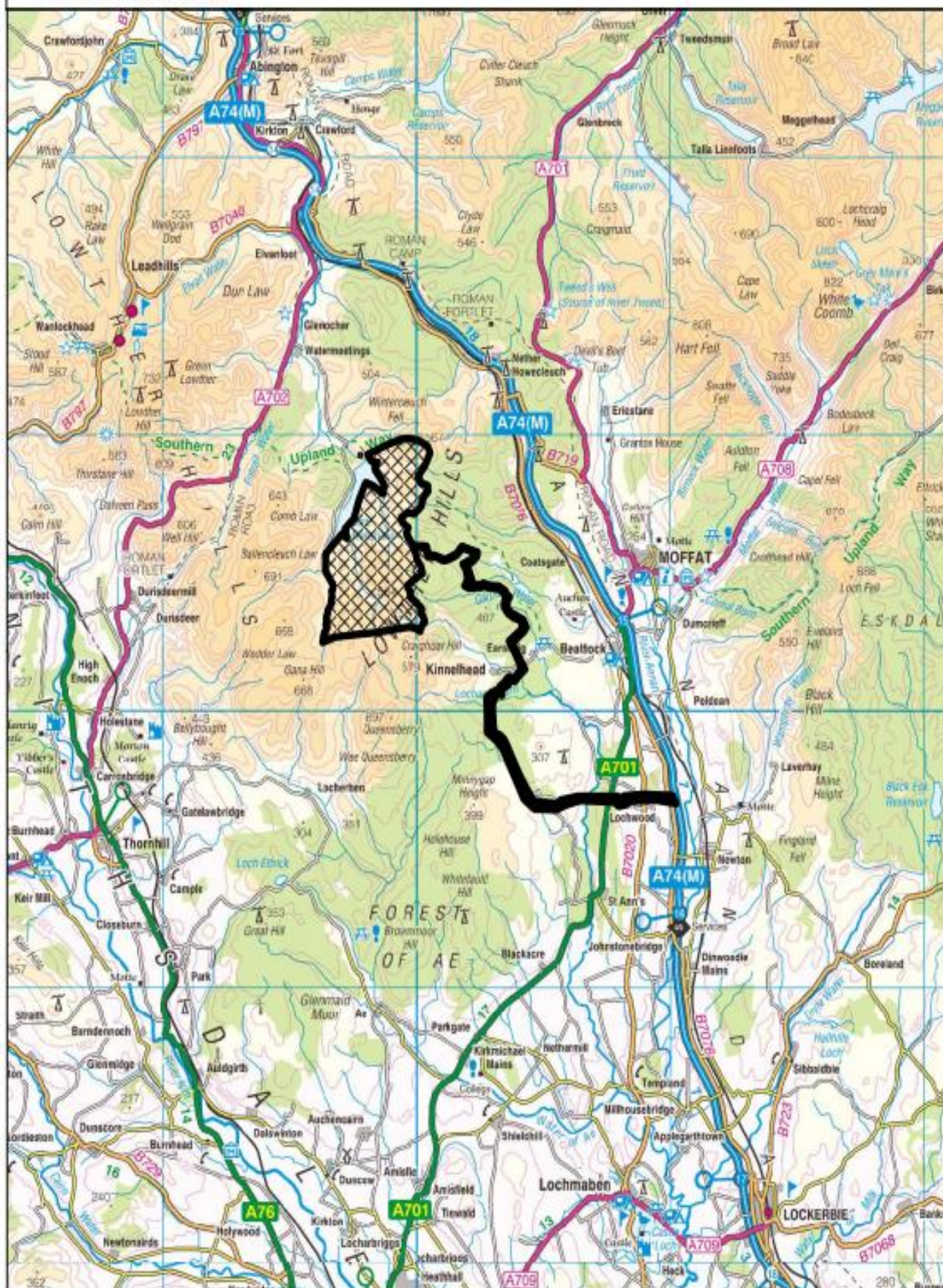
Reason: to control environmental impacts while taking account of local ground conditions.

27. That before any work starts on site, detailed drawings of the battery storage element of the proposals shall be submitted for the written approval of the Council, as Planning Authority. Once approved the battery storage element shall be built as such.

Reason: In the interests of visual amenity.

28. In the event that the scheme gives rise to an allegation of shadow flicker within sensitive properties- the applicant shall undertake an assessment of the impact of shadow flicker on properties in the vicinity of the site and shall submit the assessment to the Council, as Planning Authority for approval. Where the assessment identifies a property as being affected by shadow flicker then the assessment shall include measures to mitigate this. Cognisance shall be taken of the Department of Energy and Climate Change document 'Update of UK Shadow Flicker Evidence Base' in undertaking the assessment.

Reason: In the interests of amenity



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Scale:
1:200,000
Date:
17/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

7

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1335
Planning proposal:	Erection of 3 no. detached dwellinghouses with detached garages and associated engineering works

1 Summary application information

Application type:	Detailed planning application
Applicant:	Abbey Construction
Location:	Land At Baron Court Thorntonhall G74 5BP

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: DTA Chartered Architects
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
Policy 2 Climate change
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy 11 Housing
Policy DM1 New Development Design

◆ **Representation(s):**

▶	7	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Roads Flood Risk Management

Environmental Services

SEPA West and SEPA Flooding

Scottish Water

Arboricultural Services

Network Rail

Planning Application Report

1. Application Site

- 1.1 The application site covers an area of approximately 0.7 Hectares. The site is a residual area of a larger, recently developed site located to the northeast and west. The application site has had previous approval when it formed part of an earlier Cala development and is located within the general urban area of Thorntonhall. Following a change to the earlier development layout, this area was excised and sold separately to a different developer. To the east and south, at a higher level, are existing older detached residential properties within Osborne Crescent. The new Baron Court access road cuts through the northern half of the site to serve the Westpoint Homes flatted development. To the southwest, beyond a belt of mature trees is Glasgow to East Kilbride railway line. The site slopes down from east to west.

2.. Proposal(s)

- 2.1 The proposal relates to the erection of 3 no. detached dwellinghouses with detached garages and associated engineering works.
- 2.2 More specifically the three large, two storey, detached, dwellings comprise 5 bedrooms, some with en-suites and dressing rooms, a family bathroom and gallery on the upper floor and open plan breakfasting kitchen and family area, lounge, separate dining room, games room with bar area, utility room and toilet on the ground floor. Triple detached garages are also proposed with guest accommodation in the roof space comprising a bedroom, open plan kitchen lounge area and shower room. One of the proposed villas would be served directly from the Baron Court road with the other two served by a new internal access road, running north to south within the site, and parallel to and east of the established mature tree belt. The dwellings and garages would be finished in a smooth white render with some sandstone detail in terms of basecourse, surrounds and around the bay windows to the front elevation. The double glazed windows and patio doors would be grey aluminium to complement the proposed grey concrete roof tiles.
- 2.3 Due to the sloping topography of the site, gabion retention is proposed along the rear garden boundaries which will allow for level development platforms for the houses and generous level usable garden ground.

3. Background

3.1 Local Plan Status

- 3.1.1 The site is residual land to a larger site which was previously identified and developed as an extension to the Thorntonhall settlement boundary as part of the adopted South Lanarkshire Local Development Plan 2 (Policy 11 – Housing Land). Therefore, the principle of residential development at this location has been established. The local development plan is required to set out a minimum 5 year supply of land capable of being developed for housing (“effective” land) and also a medium to long term pattern for future development.
- 3.1.2 In addition, Policies 2 – Climate Change, 3 – General Urban Area/Settlements, 5 - Development Management and Place Making and DM1- New Development Design are also relevant.

3.2 Relevant Government Advice/Policy

- 3.2.1 In terms of residential development, SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should

also enable the development of well designed, energy efficient, good quality housing in sustainable locations.

3.3 **Planning Background**

- 3.3.1 The previous applicant, Cala Homes, received approval of a development of 53 dwellings (EK/13/0338). A further approval of 28 flats by Westpoint Homes was granted in March 2019 (EK/18/0001) and are located to the south west of this site.

4. **Consultation(s)**

- 4.1 **Roads Development Management Team** – No objections. Have advised that following discussion amendments have been made to the layout and are now satisfied subject to a number of conditions.

Response: Noted. It is considered that the matters raised can be addressed, in this instance, through the use of appropriately worded conditions and/or informatives attached, where appropriate, to any consent issued. Specific engineering requirements would be addressed through the Roads Construction Consent (RCC).

- 4.2 **Roads Flood Risk Management** – No objections subject to conditions including the submission of a Flood Risk Assessment (FRA) and a sustainable drainage system design.

Response: Noted. Any approval would have conditions attached to require the developer to lodge an FRA and Sustainable Urban Drainage design information to the satisfaction of the Council's Roads Flood Team. This would involve completion and submission of all relevant appendices.

- 4.3 **Environmental Services** – recommended deferment until a noise assessment is undertaken, given the presence of a nearby railway line.

Response: Noted. The railway is not directly adjacent to the site, with the belt of mature trees existing between the site and the railway line, and therefore any approval would have a suitably worded condition attached to require a noise assessment be carried out, if necessary, to determine the impact of railway noise on the proposed development.

- 4.4 **SEPA West Region & SEPA Flooding** – No objection given previous assessment of the larger site and evidence that the proposed location of the dwellings are well elevated above the functional flood plain.

Response: Noted.

- 4.5 **Scottish Water:** No response to date.

Response: Noted. A standard condition would be attached to any approval to require that the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

- 4.6 **Arboricultural Services** – No response to date.

Response: Noted. The layout plans show the mature trees retained and not affected by the development of the dwellings. Any approval would have a suitably worded condition attached to ensure safeguarding of the trees.

- 4.7 **Network Rail** – Considers the proposal would have no impact on the railway infrastructure and therefore no comments/objections.

Response: Noted.

5. Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the East Kilbride news as not all neighbours could be identified. 7 letters of representation were received the contents of which are summarised as follows.

- a) **A tree preservation order (TPO) should be imposed for the trees at the site as they provide sanctuary for birds and insects as well as providing a wind break and a screen. These trees should not be removed.**

Response: The applicant submitted a tree report for the application site and the majority of the trees are being retained. It is considered unnecessary to impose a TPO as the trees lie within the application site and can be safeguarded/protected through the imposition of suitable planning conditions.

- b) **Peel road is in terrible condition and increased traffic as a result of this development will exacerbate the situation.**

Response: The Council's Roads and Transportation Service has been consulted and is satisfied with the design and layout of the access road and parking to serve this three house development. Peel Road is on a list of roads monitored and maintained as part of the adopted roads network.

- c) **Wish to see full disclosure on the property development ownership.**

Response: Within the lodged planning application form the applicant has certified ownership of the land.

- d) **Would like to see restoration of nature during and once the properties are built to mitigate the effects of construction.**

Response: It will be a requirement for the developer to have construction exclusion zones fenced in respect of the mature trees. A landscape scheme will be required to be lodged as a condition of any approval. Insect loving plants/shrubs will be required within the landscape scheme.

- e) **Existing properties will be de-valued as a result of this development.**

Response: The proposal has been carefully assessed in terms of impact on residential amenity. The new dwellings would sit at a lower level than the existing dwellings in Osborne Crescent. The application site is large and there are only three additional dwellings proposed. Although of modern design the dwellings appear separate from the established Osborne Crescent houses and it is considered that once constructed they will have no significant impact on the amenity enjoyed by the existing dwellings within Osborne Crescent.

- f) **Building even more property on an extremely steep slope is devastatingly environmentally wrong. The aspect of the rain water run-off is such an important ecological factor.**

Response: the proposal has been carefully designed to address the sloping land and a sustainable urban drainage scheme will be required to ensure any surface water issues arising are addressed.

- g) **This is a natural environment, a habitat for flora and fauna. Building on this field is carnage and pillage.**

Response: The area to be developed is residual land from a previous development. The mature trees are to be retained and safeguarded. A landscape scheme to encourage flora and fauna would be a requirement of any approval.

- h) **The applicant is Abbey Construction. Is this correct and is it related to Westpoint Homes?**
Response: Abbey Construction own the application site. It is understood they are a separate company from Westpoint Homes.
- i) **The Supporting design statement is referenced to the Cala Home development but fails to take account of the impact on the Osborne Crescent properties.**
Response: In my opinion the new proposal of three houses will relate more to the Cala, and Westpoint Homes development as opposed to the existing dwellings in Osborne Crescent. The site sits at a lower level than Osborne Crescent and the new dwellings will be served by the Baron Court access with no direct access through to Osborne Crescent.
- j) **The new dwellings will be even more dominating if they are to be built on a level with Osborne Crescent. They are not split level and there is frequent reference to retaining walls.**
Response: The proposal entails cutting into the slope of the site and introducing retention along the rear garden boundaries which will enable level development platforms for the dwellings and the creation of usable level garden areas. The dwellings will therefore sit at a lower level than Osborne Crescent and will not over dominate the existing properties.
- k) **There is no apparent link/continuity to the two new developments especially with the flatted development which appears to have severed any link to the Cala housing area.**
Response: With regard to this site, Plot 1 would be accessed directly from the new Baron Court access which continues down to serve the flats. An internal access road within the site would be constructed from Baron Court to serve the other two plots, thus this 3 house development would be physically linked with the recently completed developments. Also, the dwellings are of modern two storey design similar to the Cala housing.
- l) **There is no indication of whether there would be an attempt to link a pedestrian access through to Osborne Crescent which is a private road funded.**
Response: This proposal does not propose any pedestrian link through to Osborne Crescent.
- m) **The existing trees should be preserved to screen the houses from Osborne Crescent.**
Response: Noted. The developer will require to erect a barrier around the construction exclusion zone where the tree groupings are present on the site. A landscape scheme will be required to be lodged which will require additional planting of trees.
- n) **Previously the houses were to be split level to take account of the slope. These two storey houses with retaining walls will impact on the boundary of Beechwood Grange. Already a line of trees has been removed from this boundary. There are no drawings to see how the retention would look.**
Response: It is understood the previous developer removed trees prior to this application being lodged. This developer will be required to form construction exclusion zones around the remaining mature trees to safeguard them. The proposed retention will be engineer specified, formed by constructing standard

gabion baskets. The location of the gabions is shown on a submitted levels layout drawing. Given that Osborne Crescent is at a higher level than the site, these gabions will not have a significant visual impact on the residents living within this crescent.

- o) Osborne Crescent resident does not agree to grant any access for the construction.**

Response: All construction would be carried out from within the site.

5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

- 6.1 The determining issues that require to be addressed in respect of this application for detailed planning permission are the proposal's compliance with the adopted local development plan, and its relationship with both the properties recently constructed in the vicinity and those established properties within Osborne Crescent.
- 6.2 The adopted South Lanarkshire Local Development Plan 2 classifies the site as Housing Land as per Policy 11. The site is a residual area of land from the recent Baron Court development which has been constructed nearby. Following a change to the earlier development layout, this area was excised and sold separately to a different developer. The current applicants propose 3 no. large detached dwellings with detached triple garages. The garages are designed with self-contained guest accommodation in the roof space.
- 6.3 Policy 2 – Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure. SEPA has advised that there is no flooding risk from water courses and surface water flow can be adequately contained by the implementation of satisfactory drainage requirements and a Suds scheme. The existing trees on the site are to be retained and a suitable landscaping plan requiring additional tree planting would be submitted and approved as part of any planning consent. Conditions have been attached requiring the submission of a landscape scheme and approval of details for electrical charging points. In consideration, the proposals would not undermine the objectives of Policy 2.
- 6.4 Policy 5 – Development Management and Placemaking, Policy 3 – General Urban Areas and DM1 – new Development Design require that all planning applications take account of the local context and built form and are compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact on amenity. All developments require to have no significant adverse impact on the local environment and to enhance its quality and appearance. In addition, new housing development should be of a high quality, provide sustainable measures and open space. The site is located directly adjacent to a recently completed residential development of detached dwellings and is bounded to the east by older, more traditional properties within Osborne crescent, Thorntonhall. The proposed dwellings are large detached 2 storey villas in keeping with other such properties in Thorntonhall. The villas are of quality design and finish and are located with generous garden ground and have the benefit of mature woodland to the south which creates an established setting. The dwellings will use modern, sustainable materials.

6.5 The development will raise no privacy issues and the dwellings comply with the Council's approved Residential Development Guide. As discussed in paragraph 6.4, the three plots provide generous garden ground and the mature trees in the vicinity will remain unaffected by the development resulting in an established setting to these large villas. The applicant has submitted an ecological survey and a tree report which concludes that no significant flora and fauna are affected by the proposal. A Sustainable Urban Drainage Scheme will be incorporated within the proposal utilising land within the western section of the site on the other side of the Baron Court access road. The site uses Sustainable Urban Drainage Systems, is close to public transport routes and is therefore acceptable in terms of sustainability. SEPA has no objections to the development subject to conditions. I am therefore satisfied that the proposal complies with Policies 2, 3, 5, 11 and DM1 of the adopted South Lanarkshire Local Development Plan 2.

6.6 None of the statutory consultees have objected to the proposal and none of the matters raised through representations would justify refusal of the planning application. The proposal relates to a residual section of land within a larger residential development which has recently been constructed. Therefore, the principle of residential development has been established. Given this, it is recommended that detailed planning permission be granted.

7. Reasons for Decision

7.1 The proposal complies with Policies 2, 3, 5, 11, and DM1 of the Adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 10 November 2021

▶ Consultations

SEPA West and Flooding	12.11.2021
Scottish Water	11.11.2021
Environmental Services	16.11.2021
Network Rail	01.03.2022
Roads Development Management Team	17.02.2021
Roads Flood Risk Management	03.02.2021

► Representations	Dated:
Warren Bader, 2 Beechwood Lea, Thorntonhall, G74 5BQ	15.11.2021
J Paton, Beechwood Grange, Osborne Crescent, Thorntonhall, Glasgow, South Lanarkshire, G74 5AE	02.12.2021
Mrs Sonja Bader, 2 Beechwood Lea, Thorntonhall, Glasgow, G74 5BQ	16.11.2021
Mr And Mrs R M Andrew, Via Email	25.11.2021
G McGraw, Via Email	29.11.2021
AC Clark, Via Email	29.11.2021
J Paton, Beechwood Grange, Osborne Crescent, Thorntonhall, G74 5AE	03.12.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455043

Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

01. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: In the interests of the visual amenity of the area.

02. That the landscaping scheme as shown on the approved plan shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

03. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

04. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: These details have not been submitted or approved.

05. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any such order revoking or re-enacting that order), no gates, fences, walls or other means of enclosure shall be erected between the front of the dwellinghouse and the adjoining road.

Reason: In the interests of amenity and in order to retain effective planning control.

06. That before the dwellings on Plots 1 and 2 are occupied, obscure glazing shall be introduced to the gable elevation lounge windows, or such alternative as may be agreed in writing with the Council as Planning Authority.

Reason: To safeguard residential amenity.

07. That prior to any work starting on site, a Flood Risk/Drainage Assessment in accordance with 'Drainage Assessment - A Guide for Scotland', shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: To ensure the provision of a satisfactory land drainage system and to prevent flood risk.

08. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

09. That should more than 6 months elapse from the date of the protected species survey and the commencement of works, a further survey shall be carried out and no work shall commence until the applicant receives written confirmation from the Council as Planning Authority.

Reason: In order to safeguard protected species

10. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system

11. That before the development hereby approved is completed or brought into use, parking spaces of at least 6 metres in length shall be provided unless otherwise agreed.

Reason: In the interest of public safety

12. That prior to the commencement of site works a detailed specification of the gabion retention structures and associated barrier relating to the access to Plots 2 and 3 shall be submitted for approval by the Council as Planning Authority. Thereafter the gabions and barrier shall be installed, prior to the occupation of the dwellings, to the satisfaction of the Council.

Reason: In the interest of road safety.

13. That in respect of Condition 12, a method statement shall be submitted for the Council's approval in respect of the proposed construction of the gabions in close proximity of the existing mature trees.

Reason: To ensure that the existing mature trees are safeguarded.

14. That the surface of the access road shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the highway.

Reason: In the interest of public safety

15. That unless otherwise agreed, the applicant shall undertake a noise assessment to determine the impact of railway noise on the proposed development using the principles set out in "Calculation of Railway Noise" (DoT/Welsh Office, HMSO, 1995) or by a method to be agreed by the Planning Authority such as the evaluation of the cumulative levels based on Single Event Levels (SEL). For night time the LAmax shall be provided. The survey shall take cognisance of the Scottish Government Document: Technical Advice Note Assessment of Noise. The survey shall be submitted to and approved by the Planning Authority and where potential noise disturbance is identified, it shall include a scheme for protecting the proposed dwellings from rail noise. The scheme shall ensure that the internal levels with windows closed do not exceed an LAeq,16hr Aeq,8hr Aeq,16hr of 40dB daytime and a Lof 30dB night-time. That unless otherwise agreed with the Planning Authority, the external levels shall not exceed a Lof 50dB daytime in any rear garden areas, when measured free-field. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

16. That prior to the commencement of site works details of the provision for electric car charging points associated with each dwelling shall be submitted of consideration and approval, and thereafter installed at the site, unless otherwise agreed.

Response: This information has not been submitted.

17. That prior to the commencement of site works the construction exclusion and tree protection areas on the site shall be 'heres' fenced off as per the area identified in the Tree Protection Plan within the approved Tree Report dated October 2021. Details of the exact location of the fencing shall be agreed with the Council as Planning Authority.

Reason: To ensure protection of the existing trees throughout the construction period.

18. That unless otherwise agreed, no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

19. That the residential accommodation within the garages' roofspace hereby approved shall be restricted to private use incidental to the enjoyment of the dwellinghouses on the site and will not be sold or leased, at any time, as separate residential units.

Reason: To safeguard the residential amenity of the area and retain effective planning control.

20. That prior to works commencing on site a Construction Traffic Management Plan which provides details of access and parking provision for staff and visitors, intended working hours, the management and storage of deliveries and further information regarding the provision of wheel washing facilities to prevent mud being carried on to the adopted road shall be submitted for approval by the Council as Planning and Roads Authority. A dilapidation survey shall also be undertaken before the start of any works on site.

Reason: To safeguard the residential amenity of the area and in the interest of traffic safety.



Report

8

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0704
Planning proposal:	Erection of retail development comprising 3 no. Class 1 and 1 no. Class 2 units and formation of access roads (including access road to serve adjacent land), car parking, external seating area, children's play area, earthworks and associated works

1 Summary application information

Application type:	Detailed planning application
Applicant:	Mackay Planning
Location:	Land to the North of The B764 Eaglesham Road Jackton South Lanarkshire

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If Committee are minded to grant planning permission, it should be noted that consent cannot be granted and issued at present. As SEPA has advised against the grant of planning permission by objecting in principle on the basis of potential of flood risk, in terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 the application must be formally notified to Scottish Ministers for the opportunity to consider whether to call in the application for their own determination.

3 Other information

- ◆ Applicant's Agent: None
- ◆ Council Area/Ward: 09 East Kilbride West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking

Policy 10 - New Retail and Commercial Proposals
 Policy 13 - Green Network and Greenspace
 Policy 14 – Natural and Historic Environment
 Policy 15 – Travel and Transport
 Policy 16 - Water Environment and Flooding
 Policy DM1 - New Development Design
 Policy DM15 – Water Supply
 Policy DM16 – Foul Drainage/Sewerage Provision
 Policy SDCC2 - Flood risk
 Policy SDCC3 - Sustainable Drainage Systems

♦ **Representation(s):**

▶	2	Objection Letters
▶	1	Support Letters
▶	1	Comment Letters

♦ **Consultation(s):**

Roads and Transportation Services (Development Management)

Roads and Transportation Services (Flood Risk Management)

Estates Services

Environmental Services

Biodiversity Officer

Scottish Water

SEPA

Jackton and Thorntonhall Community Council

Planning Application Report

1. Application Site

- 1.1 The application site relates to an area of undeveloped land located to the north-west of Eaglesham Road, Jackton, East Kilbride. The site, which measures 1.99 hectares in area, is predominantly flat throughout. The site is bounded to the south-east by Eaglesham Road, to the north-west by a recently constructed residential development, to the north-east by the SUDS pond associated with the residential development and to the south-west by currently undeveloped land which forms part of the East Kilbride Community Growth Area.
- 1.2 The site was included within the masterplan site for the development of the northern section of the East Kilbride Community Growth Area but was not originally proposed to be developed as part of the wider development of the area. There is currently no formal vehicular or pedestrian access in place to the site.

2. Proposal(s)

- 2.1 Planning permission is sought for the erection of a small scale retail development comprising 3 no. Class 1 and 1 no. Class 2 units and the formation of associated access roads, car parking, an external seating area, a children's play area and associated works. A new access to serve the proposed development would be taken from Eaglesham Road. Each of the four proposed units would have a gross floor area of 249.5 square metres.
- 2.2 The proposed development is intended to serve as a small neighbourhood facility serving the convenience needs of the immediate catchment of the Community Growth Area. This would enable walk-in and cycle based accessibility and reduce car borne trips which would otherwise go to St James Retail Centre as the nearest local centre. The proposed layout and access connections therefore seek to maximise accessibility on foot and cycle from the immediate catchment area.
- 2.3 The applicants have advised that the proposed retail units would accommodate demand for business originally intended to be accommodated in a previously consented retail development to the north of the St James Centre, East Kilbride, which was approved under planning consent EK/16/0063 in May 2016. However, this consent has since expired and it has been advised that it is no longer proposed to take forward that site for retail purposes.

3. Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2 (adopted 2021) the site falls within an area designated as forming part of the East Kilbride Community Growth Area under Policy 1 – Spatial Strategy. The policies listed below are also considered to be of relevance to this application and the proposal is discussed in respect of these policies in Section 6 below:-

- ◆ Policy 2 - Climate Change
- ◆ Policy 3 - General Urban Areas
- ◆ Policy 5 - Development Management and Placemaking
- ◆ Policy 10 - New Retail and Commercial Proposals
- ◆ Policy 13 - Green Network and Greenspace
- ◆ Policy 14 – Natural and Historic Environment
- ◆ Policy 15 – Travel and Transport
- ◆ Policy 16 - Water Environment and Flooding
- ◆ Policy DM1 - New Development Design

- ◆ Policy DM15 – Water Supply
- ◆ Policy DM16 – Foul Drainage/Sewerage Provision
- ◆ Policy SDCC2 - Flood risk
- ◆ Policy SDCC3 - Sustainable Drainage Systems

3.2 **Relevant Government Advice/Policy**

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) which states that local authorities should support sustainable economic development in all areas by taking account of matters including the economic benefits of proposals, promoting development in sustainable locations and supporting development which will provide new employment opportunities.

3.3 **Planning Background**

- 3.3.1 The application site is located within the wider masterplan site for the northern section of the East Kilbride Community Growth Area (Planning Ref: EK/11/0202). However, it was not originally proposed to be developed as part of the original masterplan proposals for the wider site.

4. **Consultation(s)**

- 4.1 **Roads and Transportation Services (Development Management)** – originally raised a number of matters of concern relating to the roads design and layout associated with the proposed development. However, following discussions between the applicants and the Roads Service, revised drawings were submitted to resolve the matters of concern raised. The Roads Service has subsequently advised that they are satisfied with the amended submission subject to a number of conditions to be attached to any consent issued.

Response: Noted. The relevant conditions would be attached to any consent issued.

- 4.2 **Roads and Transportation Services (Flood Risk Management)** – originally raised a number of matters of concern relating to flood risk associated with the proposed development. Further to the identification of these matters of concern discussions were undertaken between the Planning, Roads and Flooding Services and the applicants in respect of the site. Revised details were subsequently submitted by the applicants in respect of the matters of concern raised. The Flood Risk Management Service has confirmed that, subject to conditions that would be attached to any consent issued, they are now satisfied that the development would not pose any flood risk. As such, they have confirmed their satisfaction for the development to proceed in this case.

Response: Noted. The requested conditions would be attached to any consent issued.

- 4.3 **Environmental Services** – offered no objections to the application subject to conditions relating to environmental considerations associated with the development.

Response: Noted. The requested conditions would be attached to any consent issued.

- 4.4 **Biodiversity Officer** – Further to the submission of an ecological report and additional supporting information in respect of the site the Biodiversity Officer confirmed satisfaction with the proposals subject to the imposition of conditions to any consent issued requiring the recommendations contained in the reports to be put in place on site.

Response: Noted. The requested conditions would be attached to any consent issued.

- 4.5 **Estates Services** – Offered no objection to the proposed development.
Response: Noted.
- 4.6 **Scottish Water** – Offered no objection to the proposed development.
Response: Noted.
- 4.7 **SEPA** – Initially submitted a holding objection in respect of the development on the basis of potential flood risk and noted discrepancies between the flood risk management documents initially submitted in support of the application and the flood risk assessment previously undertaken in respect of the wider Community Growth Area site. Further to this, discussions and meetings were held between the Council's Planning and Flood Risk Management Services as well as the applicants and SEPA in respect of the issues raised. Revised details were thereafter submitted for consideration by the applicants, which included further analysis of the flood risk associated with the site and additional proposed works to mitigate flood risk. As noted in Section 4.2 above, the Council's Flood Risk Management Team have accepted these additional details as submitted and confirmed that, in their view, the development as proposed would no longer pose a flood risk, subject to adherence to conditions that would be attached to any consent issued. However, SEPA have not accepted this view and have maintained their objection to the proposals at this time.

Of particular note in respect of the differing viewpoints held by SEPA and the Council's Flood Risk Management Team is the status of the access road to the development that is proposed to be constructed as part of the development works. Although this would be a permanent structure and would require to be put in place in order for the development to be brought into use, SEPA consider this road to be an informal flood defence and hold the policy position that, in general, they do not consider the protection afforded by an informal flood risk defence when considering the potential impact of a development. However, the Council's Flood Risk Management Team note that this road would require to be constructed as part of the development and would have the effect, together with the additional proposed mitigation works, of removing the flood risk associated with the proposed development in this case. However, given their policy position in this regard, SEPA have advised that they wish to retain their objection to the proposed development in this instance, based on the information provided.

Response: SEPA's position in respect of the application is noted, as is the divergence of opinion between SEPA and the Council's Flood Risk Management Team in this case. While the policy position held by SEPA is understood, it must be taken into account that the Flood Risk Management Team have confirmed that, in their view, the permanent works that are proposed in this instance, inclusive of the provision of the access road to the site, would not have any adverse impact on flood risk. As the proposed development would not have an adverse flood risk impact it is therefore not considered appropriate for the Council to refuse planning permission for the proposed development for this reason.

- 4.8 **Jackton and Thorntonhall Community Council** – Have not responded to date.

5. Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the application was advertised in the local press for neighbour notification purposes, due to the scale/nature of the development proposed and as development contrary to the development plan. Four letters of representation were received in respect of the application, comprising two letters of objection, one letter of comment and one letter of support. The points raised have been summarised as follows:-

- a) **The proposal is at odds with the development plan as it is located on land designated as forming part of the Green Network associated with the East Kilbride Community Growth Area in the adopted Local Development Plan. The proposal therefore fails to comply with Policy 1 – Spatial Strategy and Policy 13 – Green Network and Greenspace of the adopted Local Development Plan.**

Response: It is noted that the proposed development site forms part of a wider area within the CGA which has been allocated a Green Network designation in the adopted Local Development Plan. However it should be noted that, within the CGA, these allocations are indicative only as the wider site continues to be developed through the submission of detailed planning applications further to the original masterplan approvals. In particular, it is noted that the area of the CGA to the north of Eaglesham Road is now linked to the development of a 16 hectare woodland walk development which, once developed, will provide extensive greenspace to the area. It is also noted that the development site comprises predominantly scrub land of limited greenspace value which would be likely to hold limited use if left undeveloped. Therefore, it is not considered that the proposal conflicts with either Policy 1 or Policy 13 and it is considered that the development can be undertaken in accordance with the approved plans in full compliance with both policies.

- b) **The application site is located 300m to the north of a site which has been designated for a local retail development at part of the East Kilbride Community Growth Area development and to which a planning application for its development is likely to be lodged in the near future.**

Response: The location of the site in relation to a proposed retail area forming part of the southern part of the CGA is noted. However, it is not considered that the proposed development conflicts with this separate site. Firstly, it is noted that the proposed development would replace a previously consented retail development located adjacent to the nearby St James Centre, which is no longer expected to proceed and for which the planning consent previously issued has now lapsed. Additionally, the changing patterns of public use of retail facilities requires to be taken into account in that, due to a significant and most likely permanent increase in working from home in the last two years, there is likely to be increased demand for local retail services adjacent to residential areas. In this respect, it is considered that this relatively small scale retail development would co-exist with other existing retail facilities in the local area as well as any retail proposal that may come forward in respect of the southern area of the CGA in due course. In this respect the objector's intention to submit an application in respect of this separate site in the future is noted and any such application would be considered on its merits at that time.

- c) **Sufficient information has not been provided to demonstrate that the proposal would be compliant with the provisions of Policy 10 – New Retail and Commercial Proposals of the adopted Local Development Plan.**

Response: The applicants have submitted a detailed assessment of the proposal in respect of retail considerations as set out in Policy 10 of the adopted Local Development Plan. In particular, it is noted that the assessment has identified that the nearby St James Retail Centre consistently operates at or near to full capacity and that demand exists for the provision of additional retail space in the local area. In addition, it is noted that this proposal would replace the previously consented expansion of the St James Retail Centre consented under planning consent

EK/16/0063, which has now expired. Overall, it has been satisfactorily demonstrated that the retail capacity exists for the proposed development and that the development could be undertaken without significantly impacting on the existing retail provision in the local area or, indeed, the additional retail provision expected to be provided in the future within the southern area of the CGA.

- d) Insufficient information has been submitted to demonstrate that the development would not create a flood risk in the vicinity of the site. As such the proposal fails to comply with Policy 16 – Water Environment and Flooding of the adopted Local Development Plan.**

Response: Detailed discussions have been undertaken between the applicants, the Council's Planning, Roads and Flooding Services and SEPA in respect of any potential flood risk resulting from the proposed development. In this regard, it is noted that SEPA have objected to the development as they consider that the proposals do not comply with their policy requirements regarding flood risk management. However it is also noted that, following a detailed assessment of the supporting information provided by the applicants, the Council's Flood Risk Management Team have confirmed their satisfaction that the development would not have any adverse flood risk impact, subject to conditions that would be attached to any consent issued. While the policy position taken by SEPA in this instance is noted, it is not considered appropriate to refuse permission for a development on flood risk grounds where it has been demonstrated to the Council's satisfaction that there would be no adverse flood risk impact arising from the development. As such, while the proposal cannot be considered to fully comply with Policy 16 given the position held by SEPA in this case, it is considered appropriate for planning permission to be granted for the development, given that there would not be an adverse flood risk impact arising from the proposed works.

- e) It should be ensured that there is no adverse impact on protected species or biodiversity as a result of the proposed development.**

Response: An ecological study has been undertaken in respect of the site and has been considered, together with further supporting information, by the Council's Biodiversity Officer. The Biodiversity Officer has expressed satisfaction with the information provided subject to the imposition of conditions requiring that the recommendations of the study and further supporting information are implemented on site. The requested conditions would be attached to any consent issued and on this basis the view is taken that there are no concerns with regard to species or other biodiversity matters associated with this development.

- f) There is already an over-provision of hot food takeaways and it would be concerning if further similar uses were provided at this development.**

Response: In this case the development relates to the provision of three Class 1 (retail) units and one Class 2 (financial/professional service) unit. A hot food takeaway is a sui generis use which does not fall under either Class 1 or Class 2. As such, there are no proposals to form a hot food takeaway as part of the development at this time. However, any future change of use proposals to form a hot food takeaway would be considered on their merits at the time of any submission in that regard.

- g) The town centre of East Kilbride is suffering due to large numbers of vacant units and the construction of additional retail units elsewhere in East Kilbride is therefore unacceptable.**

Response: While the writer's comments in respect of the town centre are noted, it is not considered that it would be appropriate to restrict all retail proposals elsewhere in the town on this basis. The application site is located a significant distance from the town centre, is relatively small in scale and is intended to support local retail needs. As such, the view is taken that it is unlikely to have any significant impact on the town centre.

- h) The writer has registered their support for the proposals.**

Response: The writer's submission is noted.

- 5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

- 6.1 Planning permission is sought for the erection of a retail development comprising 3no. Class 1 and 1no. Class 2 units and the formation of associated access roads, car parking, an external seating area, a children's play area and associated works on vacant land at Eaglesham Road, Jackton, East Kilbride. A new access to serve the proposed development would be taken from Eaglesham Road. Each of the four proposed units would have a gross floor area of 249.5 square metres. The site is located on land associated with the East Kilbride Community Growth Area but which has not previously been subject to proposals for development.
- 6.2 The proposed development is intended to serve as a small neighbourhood facility serving the convenience needs of the immediate catchment of the Community Growth Area. This would enable walk-in and cycle based accessibility and reduce car borne trips which would otherwise go to St James Retail Centre as the nearest local centre. The proposed layout and access connections therefore seek to maximise accessibility on foot and cycle from the immediate catchment area. The applicants have advised that the proposed retail units would accommodate demand for business originally intended to be accommodated in a previously consented retail development to the north of the St James Centre, East Kilbride, which was approved under planning consent EK/16/0063 in May 2016. However, this consent has since expired and it has been advised that it is no longer proposed to take forward the site for retail purposes.
- 6.3 The proposed development requires to be considered against the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021). Policy 1 – Spatial Strategy of the plan encourages sustainable economic growth and regeneration and seeks to move towards a low carbon economy, protect the natural and historic environment and mitigate against the impacts of climate change. The associated Table 3.1: Spatial Strategy Development Priorities identifies the East Kilbride Community Growth Area (EKCGA) as a development priority within the plan and it is noted that the application site is located within the area designated as forming part of the EKCGA.
- 6.4 Policy 13 – Green Network and Greenspace seeks to safeguard the Green Network where possible, with particular regard to the retention of areas of designated Priority Greenspace, but also seeks to support development proposals that can contribute towards greenspace provision and improvement of quality of life. In this case it is noted that the application site, like much of the EKCGA, is indicatively covered by a green

network provision. However, the area is not designated as Priority Greenspace. In addition, the application site is located on land designated under Policy 3 – General Urban Areas, where there is a preference for the siting of residential proposals as well as appropriate ancillary uses as necessary.

- 6.5 In this instance, it is noted that the application site relates predominantly to poor quality scrub land located within the EKCGA boundary, which has not been developed to date and is unlikely to gain any formal future use as a designated greenspace area. The proposed erection of a small scale retail development at this location would be considered to complement the predominance of residential uses in the surrounding area as well as the additional residential developments expected to be put in place within the EKCGA, particularly on the northern side of Eaglesham Road, and provide valuable local amenities and employment to the area. It is noted that the overall development of this area now includes the provision of a 16 hectare woodland walk development which, once developed, will provide extensive greenspace to the area. As such, the view is taken that this development would comprise a complementary ancillary use that would be of overall benefit to residents of the area and would not adversely impact on overall greenspace provision within the CGA. It is therefore considered that the development complies with Policies 1, 3 and 13 of the adopted Local Development Plan.
- 6.6 Policy 10 – New Retail and Commercial Proposals sets criteria under which all new retail proposals will be considered and seeks to ensure an appropriate and balanced retail provision within South Lanarkshire. It is noted that, with a gross floor area of less than 1000 square metres, the proposed development would be considered to be a smaller scale retail development. The applicants have submitted a retail statement justifying the provision of the proposed units. In particular, it is noted that the assessment has identified that the nearby St James Retail Centre consistently operates at or near to full capacity and that demand exists for the provision of additional retail space in the local area. In addition, it is noted that this proposal would replace the previously consented expansion of the St James Retail Centre approved under planning consent EK/16/0063, which has now expired. Overall, it has been satisfactorily demonstrated that the retail capacity exists for the proposed development and that the development could be undertaken without significantly impacting on the existing retail provision in the local area. As such, the proposals are considered to be compliant with the provisions of Policy 10.
- 6.7 Turning to general development management considerations, Policy 5 of the adopted plan seeks to ensure that all development is appropriately designed and sited and does not have any unacceptable adverse impact on local amenity. Policy DM1 provides further general development management and design advice while Policies 2 – Climate Change, 14 – Natural and Historic Environment and 15 – Travel and Transport also require to be taken into consideration in this regard. In particular in this case, the site is identified as one that may be at risk of flooding. As such, Policy 16 – Water Environment and Flooding as well as supporting policies DM15, DM16, SDCC2 and SDCC3 require to be taken into account.
- 6.8 Firstly, with regard to the issue of flood risk, detailed discussions have been undertaken between the applicants, the Council's Planning, Roads and Flooding Services and SEPA in respect of any potential flood risk resulting from the proposed development. SEPA initially submitted a holding objection in respect of the

development on the basis of potential flood risk and noted discrepancies between the flood risk management documents submitted in support of the application and the flood risk assessment previously undertaken in respect of the wider Community Growth Area site. Further to this, discussions and meetings were held between the Council's Planning and Flood Risk Management Services as well as the applicants and SEPA in respect of the issues raised. Revised details were thereafter submitted for consideration by the applicants, which included further analysis of the flood risk associated with the site and also included additional proposed works to mitigate flood risk. In response to the submission of these details the Council's Flood Risk Management Team have accepted the information submitted and confirmed that, in their view, the development as proposed would no longer pose a flood risk, subject to adherence to conditions that would be attached to any consent issued. However, SEPA have not accepted this view and have maintained their objection to the proposals at this time.

- 6.9 Of particular note in respect of the differing viewpoints held by SEPA and the Council's Flood Risk Management Team is the status of the access road to the development that is proposed to be constructed as part of the development works. Although this would be a permanent structure and would require to be put in place in order for the development to be brought into use, SEPA consider this road to be an informal flood defence and hold the policy position that they do not consider the protection afforded by an informal flood risk defence when considering the potential impact of a development. However, the Council's Flood Risk Management Team note that this road would require to be constructed as part of the development and would have the effect, together with the additional proposed works, of removing the flood risk associated with the proposed development in this case. However, given their policy position in this regard, SEPA have advised that they wish to retain their objection to the proposed development in this instance, based on the information provided.
- 6.10 Taking into account all of the above the Planning Service are satisfied, based on the response provided by the Flood Risk Management Team, that the undertaking of the proposed development in full accordance with the submitted details would not pose any flood risk impact in this instance. However, while it has been suitably demonstrated that there would be no flood risk impact in this case, given the policy position taken by SEPA in respect of the matter and given the position as set out in the South Lanarkshire Local Development Plan 2 that developments should be undertaken in accordance with SEPA guidance, it cannot be concluded that the proposed development would be fully compliant with the provisions of Policies 2, 16 or SDCC2 of the adopted plan.
- 6.11 With regard to general development management considerations it is considered that, subject to adherence to the conditions that would be attached to any consent issued, the development could be undertaken in a manner that would relate satisfactorily to its surroundings and have no unacceptable adverse impact on amenity. Indeed, the provision of local retail amenities is considered to be positive in terms of overall climate change issues, as such developments reduce the need for longer vehicle trips to larger facilities to satisfy public need. In addition, the site is well located in terms of walking and cycling routes as well as in terms of public transport provision. Additionally, subject to conditions that would be attached to any consent issued, it has been satisfactorily demonstrated that the development would not have any adverse impact in terms of access, parking or road safety issues.

- 6.12 With regard to the natural environment, particularly in respect of biodiversity issues, it is noted that an ecological study has been undertaken in respect of the site and has been considered, together with further supporting information, by the Council's Biodiversity Officer. The Biodiversity Officer has expressed satisfaction with the information provided subject to the imposition of conditions requiring that the recommendations of the study and further supporting information are implemented on site. The requested conditions would be attached to any consent issued and on this basis the view is taken that there would be no concerns with regard to species or other biodiversity matters associated with this development. Overall, the proposals are considered to comply with general development management considerations as set out in the adopted Local Development Plan, with particular regard to Policies 14, 15, DM1, DM15, DM16 and SDCC3.
- 6.13 Following statutory neighbour notification and advertisement of the application in the local press, four letters of representation were received by the Council. These comprised of two objection letters, one comment letter and one letter of support. The points raised are detailed in Section 5 above. It is not considered that any of the points of objection raised merit the refusal of the application in this instance.
- 6.14 In summary, the application was advertised as development contrary to the development plan as the site is located in an area which is considered to be at risk of flooding. However, following a detailed assessment of the proposals submitted, it has been determined that there would be no adverse flood risk impact resulting from the proposed development of the site as proposed. As such, taking into consideration the economic and amenity benefits of the proposed development, it is considered that a departure from the development plan can be justified and planning permission granted for the following reasons:
- 1) The proposal offers an opportunity to provide a commercial development within a generally residential area which would provide significant amenity benefit to local residents.
 - 2) The proposal supports the principles of climate change by providing locally beneficial amenities to residents of the area, reducing the requirement for longer car trips.
 - 3) The proposal complies with the provisions of Policies 1, 3, 5, 10, 13, 14, 15, DM1, DM15, DM16 and SDCC3 of the South Lanarkshire Local Development Plan 2 (adopted 2021).
 - 4) It has been demonstrated that the proposed development will not create any flood risk issues.
 - 5) The development will provide local employment opportunities.
 - 6) There will be no infrastructure implications arising from the development.
- 6.15 It is therefore recommended that planning permission is granted. Although the reasons for SEPA's objection are not supported by the Council's Flood Risk Management Team in respect of this application, SEPA has not withdrawn their objection. Accordingly, if Committee agree to this recommendation and propose to grant consent, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 will apply and the Council must notify the application to the Scottish Ministers to allow them to consider whether to call in the application for their own determination.

7. Reasons for Decision

7.1 For the reasons set out in 6.14 above.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ EK/11/0202
- ◆ EK/16/0063

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 30 April 2021
- ▶ Consultations
 - Roads Development Management Team 02.03.2022
 - Environmental Services 03.06.2021
 - Scottish Water 14.05.2021
 - Estates Services - Housing And Technical Resources 10.05.2021
 - Biodiversity Officer 18.08.2021
 - SEPA Flooding 06.10.2021
 - Roads Flood Risk Management 28.02.2022
- ▶ Representations Dated:
 - Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS 25.05.2021
 - Fraser Dick, Cairnlee House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XE 03.06.2021
 - Mr Stuart Kennedy, 19 Lomondside Avenue, Clarkston, Glasgow, G767UQ 28.08.2021
 - Ms Lynn Reid, 82 Glen Tennet, East Kilbride, Glasgow, South Lanarkshire, G74 3UY 23.09.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455049
Email: declan.king@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the entire satisfaction of the Council as Planning Authority.

Reason: To safeguard the visual amenity of the area.

02. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include: (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development; (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees; (c) details of any top-soiling or other treatment to the ground; (d) sections and other necessary details of any mounding, earthworks and hard landscaping; (e) proposals for the initial and future maintenance of the landscaped areas; (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To safeguard the visual amenity of the area.

03. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: To safeguard the visual amenity of the area.

04. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: To safeguard the visual amenity of the area.

05. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To safeguard the visual amenity of the area.

06. That before the development hereby permitted is occupied or brought into use, all the fences or walls for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 5 above, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To safeguard the visual amenity of the area.

07. That, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order) and unless otherwise agreed in writing by the Council as Planning Authority, no development shall take place within the curtilage of the application site other than that expressly authorised by this permission, including the installation of plant associated with the commercial premises hereby approved, without the submission of a further planning application to the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

08. That the Class 1/Class 2 units hereby consented shall not exceed 998 sq. metres (gross) floor area in total, and no individual unit shall exceed 250 sq. metres gross floorspace. The use of a mezzanine floor for retail sales or the sub-division or combining of units within the development shall require planning permission to be obtained from the Council as Planning Authority, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of amenity.

09. That the recommendations of the ecological report undertaken in respect of the site, undertaken by Envirocentre and dated April 2021, shall be adhered to at all times on site.

Reason: To ensure that there is no adverse impact on any protected species as a result of the proposed development.

10. Between the hours of 0800 and 2000 the measured noise rating level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90 (1/2hour)) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the noise rating level emitted from the premises (LAeq (15mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: To safeguard the environmental amenity of the area.

11. Before the development is brought into use, the proposed method of ventilation shall be submitted to and approved in writing by the Council as Planning Authority. The proposed development shall not be brought into use until the ventilation systems are operational in accordance with the approved details.

All odours, fumes and vapours generated on the premises shall be controlled by best practicable means to prevent them causing nuisance to occupants of nearby dwellings or premises.

The ventilation system shall:

- a) Incorporate systems to reduce the emission of odours and pollutants and shall thereafter be maintained as necessary.
- b) Be constructed to by employing best practical means to minimise noise and vibration transmission via plant and the building structure.
- c) Noise associated with the business shall not give rise to a noise level, assessed with the windows open, within any dwelling or noise sensitive building, in excess of the equivalent to Noise Rating Curve 35, between 07:00 and 20:00 hours, and Noise Rating Curve 25 at all other times.

d) The discharge stack shall:

1. Discharge the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen.
2. If 1 cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building housing the commercial kitchen. Additional control measures may be required.
3. If 1 or 2 cannot be complied with for planning reasons, then an exceptionally high level of odour control will be required.

Reason: To safeguard the environmental amenity of the area.

12. The applicant shall ensure that all works carried out on site are carried out in accordance with the current BS5228, 'Noise control on construction and open sites' to the satisfaction of the Council as Planning Authority. Prior to commencement of construction activities and unless otherwise agreed in writing with the Council, a detailed report identifying the projected noise impact at the nearest noise sensitive receptors shall be provided in accordance with the standard. The emissions at the NSR shall be cumulative and shall include mobile and stationary plant and equipment. The noise from any haul roads on site shall also be included. Corrections shall be made for variables such as the operating time and the relative cumulative impact value. This shall be corrected for attenuation shall be provided as an LAeq.1hr to be compared with either the pre-existing background level or using the ABC table within the British Standard.

Reason: To safeguard the amenity of the area.

13. That, prior to commencement of works on site, details for the storage and the collection of waste arising from the proposed development shall be submitted to and approved in writing by the Planning Authority. The agreed details shall be in place prior to the development being brought into use and thereafter be satisfactorily maintained.

Reason: To safeguard the amenity of the area.

14. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To safeguard the environmental amenity of the area.

15. That the proposed mitigation measures relating to biodiversity issues identified in the statement submitted by Envirocentre and dated 26 July 2021 (Reference: 174733/JEP/001) shall be adhered to at all times on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure that there is no unacceptable impact on biodiversity as a result of the development.

16. That prior to any works commencing on site the applicant shall submit, for the written approval of the Council as Roads Authority, a detailed design of the proposed site access, including right hand storage lane on Eaglesham Road and shared use cycle/footway works, generally in accordance with drawing 20008/SK/16 (Original) and

this design should be accompanied by a Stage 2 Road Safety Audit. The proposed access shall be designed in accordance with the Design Manual for Roads and Bridges and submitted for Road Construction Consent. The submission shall include details such as kerbing, construction specification, street lighting, traffic signs, traffic bollards, road markings, tactile paving and an enhanced pedestrian/cycling crossing point in accordance with Cycling By Design 2021. The 3.0metre shared use footway/cycleway being extended down from the existing footway south of Ocean Drive shall be extended into the retail site car park to an appropriate termination point opposite the proposed 'public cycle parking' area at the southern gable of retail unit 1.

Reason: In the interests of road safety.

17. That, before the development hereby approved is completed or brought into use, the applicant shall resurface the full extents of the proposed right hand storage lane on Eaglesham Road all in accordance with a specification to be agreed in writing by the Council as Roads Authority prior to the commencement of any works on site, unless otherwise agreed in writing.

Reason: In the interests of road safety.

18. That, prior to completion or occupation of any of the retail units hereby approved, the applicant shall construct the approved access referred to in the previous condition all in accordance with the approved design and specification and to the satisfaction of the Council as Roads Authority.

Reason: In the interests of road safety.

19. That the proposed Gill Burn culverted crossing shall be designed to accommodate the proposed 7.3metre wide carriageway with a 3.0metre wide footway/cycleway on both sides of the carriageway.

Reason: In the interests of road safety.

20. That before the development hereby approved is completed or brought into use, the visibility splay requirements shown on drawing 20008/SK/16 (Original) of the approved plans shall be provided and thereafter maintained such that nothing exceeding 0.9metres in height above the adjacent road channel level shall be permitted or allowed to grow within the visibility splays.

Reason: In the interests of road safety.

21. That, before the development hereby approved is completed or brought into use, the applicant shall construct a 3.0metre wide footway along the frontage of the site which shall extend northwards to connect to the existing shared use footway/cycleway currently terminating circa 58metres south of Ocean Drive, all to a specification approved by the Council and thereafter shall be constructed to the agreed design.

Reason: In the interests of road safety.

22. That, prior to completion of the retail units hereby approved, the private roads and parking bays shall be constructed and thereafter maintained such that no surface water discharges onto the prospectively adoptable road all to the satisfaction of the Council as Roads Authority.

Reason: In the interests of road safety.

23. That, on completion of the proposed site access, the applicant shall undertake a Stage 3 Road Safety Audit and submit a copy of the report to the Council along with their proposals and timescales to implement any recommendations contained within the audit all for the written agreement of the Council as Roads Authority.

Reason: In the interests of road safety.

24. That, within twelve months of the proposed site access being completed and open to the public, the applicant shall undertake a Stage 4 Road Safety Audit and submit the findings to the Council as Roads Authority.

Reason: In the interests of road safety.

25. That, prior to any of the retail units hereby approved being brought into use, all car parking bays shall be formed in accordance with drawing 20-023-PL004 Revision D and a specification to be agreed in writing with the Council. The car park shall incorporate 43No standard bays at 2.5m by 5.5m, 7No enhanced bays at 2.9m by 5.5m, 2No electric vehicle charging bays, 5No disabled bays and 4No powered two-wheeler bays. Once approved all parking bays shall be formed in accordance with the agreed layout and specification and thereafter maintained to the complete satisfaction of the Council as Roads Authority.

Reason: To ensure the provision of appropriate parking space within the site.

26. That prior to works commencing on site the applicant shall submit, for the written approval of the Council as Roads Authority, details of the proposed electric vehicle charging (EVC) points and once approved all EVC bays shall be formed in accordance with the agreed layout and specification before the development is completed or brought into use and thereafter shall be maintained to the complete satisfaction of the Council as Roads Authority.

Reason: To ensure the appropriate provision of EVC points within the site.

27. That, prior to any of the retail units hereby approved being brought into use, the applicant shall prepare a Travel Plan for the written approval of the Council as Roads Authority to include a plan highlighting walking and cycling connections from the site to existing infrastructure together with nearby bus stops (boarding and alighting), web link to Traveline Scotland and information on Strathclyde Partnership for Transport MyBus service. Once approved the applicant shall issue the Travel Plan to all unit operators and their staff to encourage use of sustainable travel modes.

Reason: To encourage the use of sustainable travel modes to access the development.

28. That, prior to any works commencing on site, the applicant shall submit, for the written approval of the Council as Roads Authority, a Traffic Management Plan (TMP) to cover all construction traffic access entering and exiting the site off Eaglesham Road. The TMP shall include wheel washing arrangements, delivery routes, compound layout including on-site parking facilities for staff/visitors and turning facilities to enable vehicles to enter and exit the site in a forward gear. The TMP shall also include arrangements for the applicant to undertake joint road dilapidation surveys with a representative of the Council's Roads Area Office on Eaglesham Road for the duration of the site works including pre and post dilapidation surveys including submission of written reports. Once approved, the works shall be undertaken in accordance with the agreed TMP.

Reason: In the interests of road safety.

29. That, prior to the commencement of any works on site, detailed information in relation to how the proposed compensatory storage area drains down shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the works shall be implemented in accordance with the approved details to the satisfaction of the Council.

Reason: To ensure appropriate flood risk management of the site.

30. That, prior to the commencement of any works on site, detailed information in relation to the pumping station containment bund arrangement shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the works shall be implemented in accordance with the approved details to the satisfaction of the Council.

Reason: To ensure appropriate flood risk management of the site.

31. That no development shall commence until drainage and flood risk details to include signed appendices A, B, C, D and E are submitted to and approved in writing by the Planning Authority. The development shall not be occupied until the surface drainage works and any required flood mitigation works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

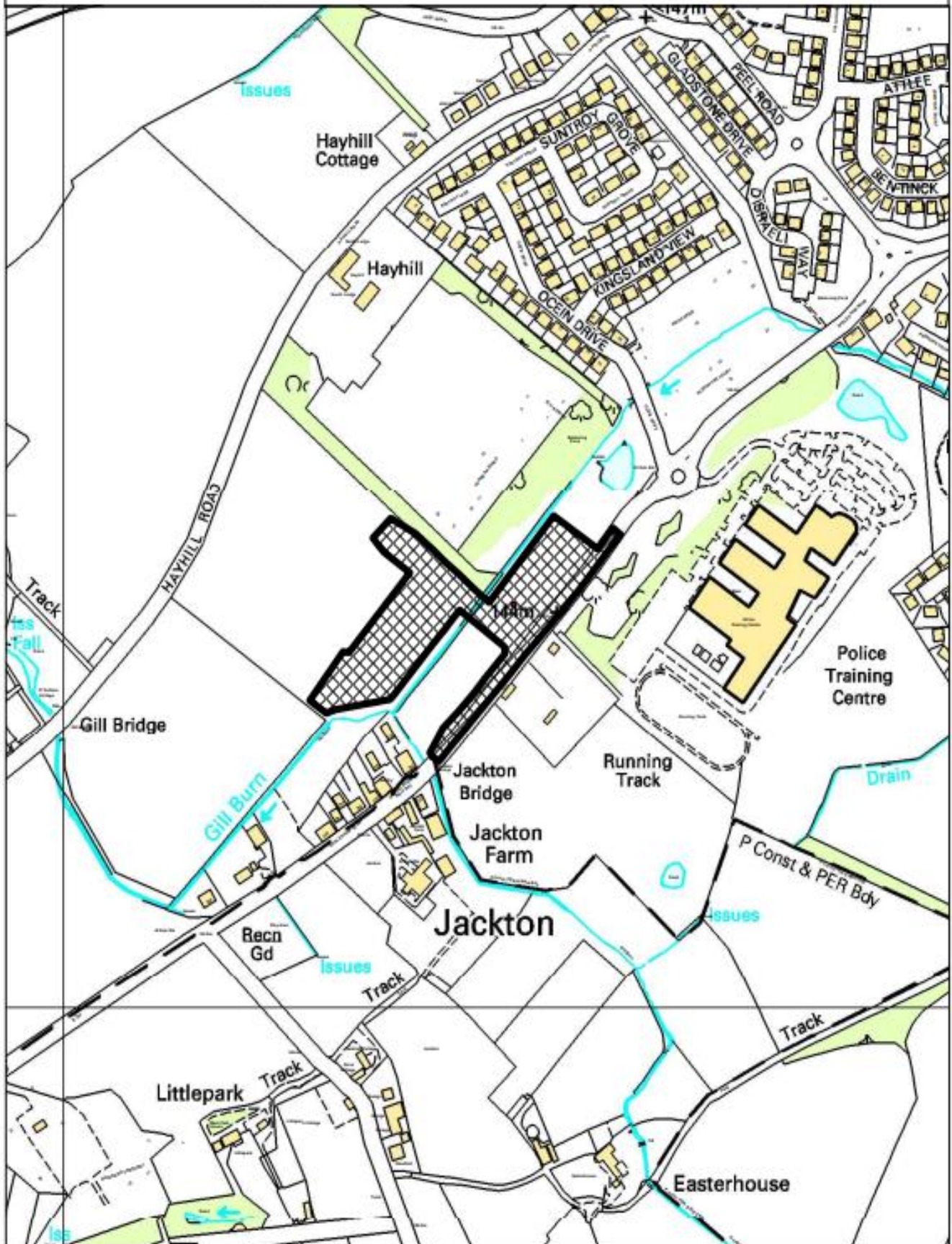
32. That the proposed culvert to be put in place as part of the development hereby approved shall be subject to the full Technical Approval (TA) process as set out in document no. CG300 of the Design Manual for Roads and Bridges with South Lanarkshire Council identified as Technical Approval Authority. The TA process must be complete and design certification approved prior to commencement of any construction operations relating to the proposed culvert.

The minimum available headroom between the soffit of the culvert deck/roof and the finished level of the watercourse bed shall be 1500mm in order to provide ready access for future maintenance/inspection operations.

Reason: To ensure that the proposed culvert is put in place in accordance with relevant design standards.

33. That, unless otherwise agreed in writing with the Council as Planning Authority, the flood risk management works detailed in drawings 20008-SK-13 and 2008-SK-17 of the approved plans shall be undertaken within four months of the date of consent of the application.

Reason: To ensure that the required flood risk mitigation works are undertaken within an appropriate timescale.



Report

9

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1517
Planning proposal:	Erection of 151 dwellinghouses with associated engineering, landscape and infrastructure works

1. Summary application information

Application type:	Detailed planning application
Applicant:	Mr and Mrs I Harvey / Robertson Living
Location:	Land 142M ENE of 43 Clyde Avenue Clyde Avenue Ferniegair Hamilton South Lanarkshire

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s) following the submission of a viability assessment. This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:-
 - Additional nursery, primary and secondary education accommodation as appropriate.
 - The provision of appropriate community facilities, either on site or off.
 - The provision of affordable housing by way of a commuted sum.
 - Roads infrastructure.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily, the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the developers.

3. Other information

- ◆ Applicant's Agent: EMA Architecture + Design
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**
 - Policy 1 - Spatial Strategy
 - Policy 2 - Climate Change
 - Policy 4 - Green Belt and Rural Area
 - Policy 5 - Development Management and Place Making Policy
 - Policy 7 - Community Infrastructure Assessment
 - Policy 11 - Housing
 - Policy 13 - Green Network and Greenspace
 - Policy 15 - Travel and Transport
 - Policy 16 - Water Environment and Flooding
 - Policy DM1 - New Development Design
 - Policy SDCC2 - Flood Risk
 - Policy SDCC3 - Sustainable Drainage Systems
 - Policy SDCC4 - Sustainable Transport
 - Policy DM15 - Water Supply
 - Policy NHE18 - Walking, cycling and riding routes
 - Policy NHE20 - Biodiversity

◆ Representation(s):

▶	32	Objection Letters
▶	2	Support Letters
▶	1	Comment Letter

◆ Consultation(s):

Transport Scotland

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

SEPA West Region

SP Energy Networks

Community and Enterprise Resources - Biodiversity Officer

Community and Enterprise Resources - Play Provision Community Contributions

Education Resources School Modernisation Team

Housing Services

Arboricultural Services

West of Scotland Archaeology Service

Estates Services - Housing and Technical Resources

Countryside and Greenspace

Planning Application Report

1. Application Site

- 1.1 The application relates to an area of land located to the north-east of Clyde Avenue in Ferniegair. The site extends to approximately 6 hectares, it is irregular in shape and currently consists of open grassland with structure planting located mainly along its northern boundary. The site is bounded to the north by structure planting and the adjacent M74 Motorway, to the south by residential development and open grassland, to the east by open grassland and to the west by residential development. The site is accessed via Valleyfield Crescent.

2. Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of 151 dwellinghouses with associated engineering, landscape and infrastructure works. The submitted layout shows a development of 151 dwellings comprising 67 three bedroom and 84 four bedroom terraced, semi-detached and detached properties. The proposed dwellings would be two stories in height and would incorporate traditional pitched roofs finished with either slate grey or red roof tiles. The exterior walls would be finished in a mixture of white and cream render and red or buff facing brick and the windows would be finished in anthracite grey UPVC on the front elevations and white on all other elevations. Varied door colours would be incorporated with black UPVC rainwater pipes.
- 2.2 The primary access into the development would be from Valleyfield Crescent to the north-west of the site with a loop road being formed through the development. An emergency access road would link into Clyde Avenue to the south-west of the site. The main access road would incorporate footways on either side with links into the existing footpath network to the north and west of the site which provide connections into the village and towards Chatelherault Country Park. These connections would also allow for access to existing public transport including bus services on Carlisle Road and train services at Chatelherault station. Two footpath links would allow access to the play area located at the south-west of the site with two further connections to the south of the site providing links through the open space, around the SUDS facility and to the existing footpath to the south-east. Car parking would be in-curtilage for detached and semi-detached properties, with parking courts provided for the terraced dwellings. The total car parking for the development would be 386 spaces (2 spaces provided for the three bedroom dwellings and 3 spaces provided for the four bedroom dwellings).
- 2.3 The proposed landscaping scheme for the site would retain the tree and landscape buffer along the northern boundary of the site, in addition to an acoustic fence, which would form a noise barrier between the site and the M74 motorway. Enhanced tree planting would be provided to the southern boundary with the creation of two central open spaces of amenity space, the creation of a small play area to the south-west of the site, the utilisation of existing SUDS on site with surrounding green space and the creation of a new SUDS facility north of the existing SUDS within open space.
- 2.4 The proposed development is classified as a 'Major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was subject to a 12 week period of pre-application consultation (PAC) including a public exhibition which was held at Ferniegair Hall on 6 November 2019. A copy of the Pre-application Consultation Report has been submitted as a supporting document. The outcome of the exhibition and the response of the applicants to comments received are detailed within the PAC Report. Additional supporting documents submitted with the planning application include a Transport Assessment, Ecological Survey,

3. Background

3.1 Local Plan Background

3.1.1 In terms of local plan policy, the majority of the application site is designated as a proposed housing site in the adopted South Lanarkshire Local Development Plan 2 and forms part of the Ferniegair Community Growth Area (CGA). The majority of the site is also covered by the Green Network. A small part of the site along its eastern edge is located within the Green Belt. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Green Belt and Rural Area, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 - Housing, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Advice/Policy

3.2.1 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity.

3.2.2 Designing Streets – A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design in urban and rural development. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists with narrower streets, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

3.3 Planning Background

3.3.1 A Proposal of Application Notice (PAN) was submitted by Robertson Living to the Council for residential development and associated works within the site on 13 September 2019 and was approved by the Council on 24 October 2019 (P/19/0014/PAN).

4. Consultation(s)

4.1 **Education Resources** - have no objections to the application subject to the applicant entering into a Section 75 Agreement to provide the financial contributions at appropriate stages of the development towards the provision of additional nursery, primary and secondary education accommodation.

Response:- Noted. In this regard, the applicant has agreed in principle to the provision of a financial contribution towards educational provision to equate to the demand for school places arising from the proposed development which would be addressed appropriately through the conclusion of a Section 75 Obligation following the submission of a viability assessment.

- 4.2 **Environmental Services** – have no objections to the application subject to conditions requiring that internal and external noise levels comply with the appropriate guidance on sound insulation and noise reduction for buildings and the formation of a bund/barrier with a minimum combination height of both 5 metres and 2 metres at relative locations within the site.
Response:- Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters.
- 4.3 **Roads Development Management Team** – have no objections to the application subject to conditions being attached to any consent in relation to access, traffic, traffic management, car parking/driveways, electric charging points, etc. There are no proposals to encourage residents to cycle and as such we would recommend that, within a Section 75 Obligation, a contribution for cycle improvements is provided by the applicant.
Response:- Noted. Appropriately worded conditions would be attached to any consent granted to address the above matters. With regard to cycle improvements the applicant has agreed in principle to the provision of a financial contribution towards such improvements which would be addressed appropriately through the conclusion of a Section 75 Obligation following the submission of a viability assessment.
- 4.4 **Roads and Transportation Services (Flood Risk Management Section)** – no response to date.
Response:- Noted. An appropriately worded condition would be attached to any consent granted to ensure that the Council's Sustainable Urban Drainage Systems (SUDS) design criteria is satisfied through the completion of the standard self-certification document.
- 4.5 **Scottish Water** – have no objections to the application. However, they have advised that there is currently insufficient capacity for a foul only connection in the Ferniegair Waste Water Treatment works to service the development.
Response:- Noted. In this regard, the applicant has advised that they are proposing to provide a separate waste treatment plant within the boundary of the site until the existing facility is upgraded at which point the site would be connected back into the main Scottish Water system.
- 4.6 **Community and Enterprise Resources - Play Provision** – have no objections to the application subject to the Council's Residential Design Guide being used throughout the application process. Within the vicinity of the proposal there are a number of community assets in need of investment, and it is recommended that a financial contribution towards investment in these local existing assets should be progressed rather than seeking additional on-site provision. It should be noted that if any open spaces/play areas were to be progressed as part of the development the Council's Grounds Services would not adopt any of the areas for future maintenance and, as such, consideration of a factoring arrangement or similar would be required.
Response:- Noted. In this regard, the applicant has agreed in principle to the provision of a financial contribution towards community facilities which would be addressed appropriately through the conclusion of a Section 75 Obligation following the submission of a viability assessment.
- 4.7 **Housing Services** – have no objection to the application and advise that they are not seeking any on site affordable housing provision and that a commuted sum would be welcomed.

Response:- Noted. In this regard, the applicant has agreed in principle to the provision of affordable housing by way of a commuted sum which would be addressed appropriately through the conclusion of a Section 75 Obligation following the submission of a viability assessment.

4.8 **Arboriculture** – no response to date.

Response:- Noted.

4.9 **Biodiversity Officer** – the development should include the mitigation measures identified in section 4.4 of the ecology report. Based on the landscaping proposals, the recommended native planting has not been included; it is also recommended that there is an emphasis on pollinator friendly planting. A review of the planting proposals throughout the site should be requested, particularly for hedging and for the developer to provide an updated list of species. The developer should consider additional biodiversity measures to benefit local wildlife. Draft guidance from NatureScot on Developing with Nature lists potential inclusions. This would be relevant under Policy NHE20 of the Local Development Plan 2, namely “iii. Development proposals should consider opportunities to contribute positively to biodiversity conservation and enhancement, proportionate to the scale and nature of the proposal.” The final 6 measures in the mitigation chapter should be conditioned as part of site works.

Response:- Noted. Any consent granted would include appropriately worded conditions to address the above matter.

4.10 **West of Scotland Archaeology Service** – have no objections to the application subject to a condition requiring the submission and implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been agreed by the West of Scotland Archaeology Service and approved by the Council.

Response:- Noted. Any consent granted would include an appropriately worded condition to address the above matter.

4.11 **Estates Services** – have no objections to the application.

Response:- Noted.

4.12 **Transport Scotland** – have no objections to the application subject to a condition requiring that the integrity of the existing fencing along the M74 trunk road boundary be maintained and protected.

Response:- Noted. Any consent granted would include an appropriately worded condition to address the above matter.

4.13 **SP Energy Networks** – have no objections to the application.

Response:- Noted.

4.14 **Countryside and Greenspace** – no response to date.

Response:- Noted.

4.15 **SEPA** – have no objections to the application.

Response:- Noted.

5. Representation(s)

5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under the headings Development Contrary to Development Plan and Non-Notification of Neighbours in the Hamilton Advertiser. Thirty five letters of representation were received in relation to the application comprising thirty two letters

of objection, two letters of support and one letter of comment. The grounds of representation are summarised as follows:-

- (a) **The access through the old village cannot support the level of increased traffic that these houses will generate as the existing roads in the village are not large enough for the extra traffic and they are cracking with the extra traffic already here. Traffic queueing back into Ferniegair from Hamilton is a regular occurrence and makes travelling times long. Valleyfield Crescent is unsuitable as an access point as it is a private road owned and maintained by residents of Valleyfield Crescent and Methil Court. It is narrow, has a steep incline with traffic calming humps and is sporadically gritted and ploughed in winter months. The applicant should consider mitigation and utilise the other site entrance near the Avant development. This would half the number of vehicles using this route and would make the development more acceptable. The junction between Methil Court and Valleyfield Crescent has not been assessed in the traffic management study. The road traffic assessment also does not consider peak and dangerous times of pedestrian, cars and school buses interacting in the village - not only at the railway station but also on Carlisle Road.**

Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access or road safety issues.

- (b) **There are concerns regarding site traffic, traffic speed, public and road safety. The road safety of all current school children is a problem with extra traffic dropping off and picking up children from school buses from outside Chatelherault train station. With another 151 houses planned this could be up to 200 extra children and cars! Trying to drive out of the village in the morning takes so much longer now with all extra traffic from the village, especially when there are roadworks on the motorway and traffic cuts down Carlisle Road to avoid this. The Council need to put in a suitable pedestrian crossing at the Hamilton end of Ferniegair as it is already dangerously difficult to cross the road.**

Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access or road safety issues.

- (c) **The new planned emergency access is on a narrow road just outside my house and will cause extra noise and disturbance during and after the building. The increased noise pollution will cause significant disturbance to the locality.**

Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposed emergency access road is acceptable. In terms of residential amenity, the proposed construction works would be for a temporary period only and Environmental Services raised no adverse comments in relation to noise and pollution as a result of the emergency access road.

- (d) **The wall of my house is 3.35 metres from the dividing fence to the field which I feel is too close. Any new build house adjacent to my house will overlook me, therefore, my privacy will be compromised.**

Response: Due to the distances and orientation between existing and proposed dwellings it is considered that the proposed development will not have a significant adverse impact on the amenity of existing adjacent residents in terms of overlooking and loss of privacy.

- (e) **It is mostly elderly residents at this end of Clyde Avenue who have lived all their lives in the village and are very wary of strangers. All the building etc is very stressful to them and they feel the village will lose more of its character.**

Response: Whilst the above points are noted, the proposed development is considered to be acceptable and in accordance with local plan policy. The merits of the application are discussed in detail in Section 3 of this report.

- (f) **The extra traffic which will be caused by builder's lorries and vans will cause untold disturbance to the village. During the last build we counted 15 lorries at one time waiting at the top road to drive through the village in convoy and this causes traffic chaos. The existing road at Clyde Avenue has been dug up so many times it is in a terrible state.**

Response: The construction period for the development would only be for a temporary period and appropriately worded conditions and informatives to address residential amenity issues would be attached to any consent granted.

- (g) **The waste-water management in the village is already overloaded and causes spillage and smell at the treatment works within the village despite recent upgrading of the system to cope with current capacity. How can this facility be expected to support an additional 151 properties?**

Response: Scottish Water have confirmed that there is currently insufficient capacity for a foul only connection at the Ferniegair Waste Water Treatment works to service the development. In this regard, the applicant has advised that they are proposing to provide a separate waste treatment plant within the boundary of the site until the existing facility is upgraded at which point the site would be connected back into the main Scottish Water system. Any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards.

- (h) **The field where proposed building is to take place is wild with rabbits, foxes and the occasional deer, where will they go?**

Response: In terms of wildlife, subject to the conditions referred to in Section 4.9 above, the Council's Biodiversity Officer is satisfied with the mitigation measures proposed within the submitted Further Ecological Survey.

- (i) **The local catchment schools do not have the capacity for more children which these houses would generate.**

Response: The applicant has agreed in principle to the provision of a financial contribution towards educational provision to equate to the demand for school places arising from the proposed development which would be addressed appropriately through the conclusion of a Section 75 Obligation following the submission of a viability assessment.

- (j) **When buying in the area, we were assured that this development in our street was complete. To have another developer now renege on this and for the Council to consider this is absurd. If you want to keep your promise and not turn Valleyfield into a main road where cars and vans will speed past a play park for toddlers and increase the air pollution going against Scottish Government policy, I'm sure you will be able to pass this.**

Response: In general land use and policy terms the principle of the development at this location is considered to be acceptable as the adopted South Lanarkshire Local Development Plan 2 designates the site as a proposed housing site located within the Ferniegair Community Growth Area (CGA).

- (k) **Is the Council going to provide each of the neighbours affected by you lowering the value of our house with a substantial sum to allow us to move to the quiet area we all thought we were moving to when we bought here?**
Response: Loss of value is not a material planning consideration.
- (l) **There are not enough public facilities in the area to support this development.**
Response: In terms of public facilities, the applicant is required to apply to all the relevant service providers to ensure there is sufficient capacity within the existing networks. These processes are required to be carried out and concluded prior to site start. The applicant has also agreed in principle to the provision of affordable housing by way of a commuted sum in addition to financial contributions towards educational provision, to equate to the demand for school places arising from the proposed development, and financial contributions towards community facilities all of which would be addressed appropriately through the conclusion of a Section 75 Obligation following the submission of a viability assessment.
- (m) **The height of houses will cause loss of light and shadowing for the residents at 113 Valleyfield Crescent.**
Response: Due to the height and orientation of the proposed dwellings, it is considered that the proposal will have no significant adverse impact on the above property in terms of loss of light and overshadowing.
- (n) **Concerns regarding dust and or debris from site causing accident/issues.**
Response: No adverse comments were raised by any of the consultees in this regard.
- (o) **We are incredibly fearful that the development plan proposed by Robertson Homes will endanger family members.**
Response: Whilst the above point is noted, the proposed development is considered to be acceptable and in accordance with local plan policy. Any consent granted would incorporate a condition requiring the submission of a traffic management plan for the Council's approval prior to any works commencing on site. A speed table will be provided at the start of the development road which, together with the existing traffic calming engineering measures on Valleyfield Crescent, should assist in keeping vehicle speeds generally low once constructed. It should also be noted that any consent granted would incorporate an informative advising the applicant of acceptable hours for audible construction activities at the site which would be limited to Monday to Friday 8.00am to 7.00pm, Saturday 8.00am to 1.00pm and Sunday - no audible activity.
- (p) **Significant concerns regarding this route being used during construction due to possible damage to cars, the road being blocked and the condition of the road being severely compromised.**
Response: Subject to conditions, Roads and Transportation Services are satisfied that the proposal is acceptable and that it raises no access or road safety issues. Any damage to the public highway would have to be addressed by the applicant and any damage to private property would be a legal matter which would require to be resolved between the parties concerned.
- (q) **I would like to have noted the existing trees and shrubs. I wish to seek reassurance that during the building of the new development, that every effort is given for all current aspects to remain.**

Response: Any consent granted would be conditioned to ensure the submission of an appropriate landscaping scheme for the Council's approval.

- (r) **Permission was granted for the Avant estate (the Dukes) directly next to the proposed site and 5 years later the boundary of the site including garden fences and land are slipping into the burn and a structural engineer has produced a report showing multiple issues that they have described as highly dangerous due to unstable ground.**

Until this is resolved at least further development should be ruled out. It is irresponsible of the Council to grant permission for developments that then pose a danger to residents, the public and the local environment.

Response: No adverse comments have been received from any of the consultees in this regard.

- (s) **The developer advertising these houses when planning permission hasn't yet been granted makes a complete mockery of the planning process.**

Response: Any advertising of the proposed development prior to any consent being granted is undertaken at the applicant's own risk.

- (t) **The development will result in a loss of privacy to existing properties in the area.**

Response: As discussed above, due to the distances and orientation between existing and proposed dwellings it is considered that the proposed development will not have a significant adverse impact on the amenity of existing residents in terms of overlooking and loss of privacy.

- (u) **Two representations were submitted in support of the planning application. No additional comments were provided.**

Response: Noted.

5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

6.1 The applicant seeks detailed planning permission for the erection of 151 dwellinghouses with associated engineering, landscape and infrastructure works. The determining issues in consideration of this application are its compliance with national and local plan policy and its impact on the amenity of adjacent properties and on the local road network.

6.2 In terms of residential development, SPP requires Councils to maintain a five year supply of effective housing land. Planning Authorities are also required to promote the efficient use of land by directing development towards sites within existing settlements, where possible, in order to make effective use of existing infrastructure and service capacity. Designing Streets - A Policy Statement for Scotland was introduced in March 2010 and marks the Scottish Government's commitment to move away from a standardised engineering approach to streets and to raise the quality of design. Development layouts should be designed to encourage a safe environment for pedestrians and cyclists, carefully positioned dwellings, landscaping and off-street parking which can be more effective at achieving slower traffic movements. Permeability which encourages walking is now seen as a high priority and footpath links are encouraged to ensure that houses can be easily accessed from main public transport routes.

- 6.3 In general land use and policy terms, the principle of the development at this location is considered to be acceptable as the adopted South Lanarkshire Local Development Plan 2 designates the site as a proposed housing site located within the Ferniegair Community Growth Area (CGA). The proposal promotes development in a sustainable location which would be accessible by public transport with bus and train routes located on the nearby Carlisle Road and Chatelherault Train Station. In terms of permeability, the development would be well integrated into existing walking and cycling networks and would encourage active travel. The proposed layout also takes cognisance of the main standards encouraged through Designing Streets. It is, therefore, considered that the proposal is in accordance with national planning policy.
- 6.4 In terms of local plan policy, the majority of the application site is designated as a proposed housing site in the adopted South Lanarkshire Local Development Plan 2 and forms part of the Ferniegair Community Growth Area (CGA). The majority of the site is also covered by the Green Network. A small part of the site along its eastern edge is located within the Green Belt. The relevant policies in terms of the assessment of this application are Policy 1 - Spatial Strategy, Policy 2 - Climate Change, Policy 4 - Green Belt and Rural Area, Policy 5 - Development Management and Place Making, Policy 7 - Community Infrastructure Assessment, Policy 11 - Housing, Policy 13 - Green Network and Greenspace, Policy 15 - Travel and Transport, Policy 16 - Water Environment and Flooding, Policy DM1 - New Development Design, Policy SDCC2 - Flood Risk, Policy SDCC3 - Sustainable Drainage Systems, Policy SDCC4 - Sustainable Transport, Policy DM15 - Water Supply, Policy NHE18 - Walking, cycling and riding routes and Policy NHE20 - Biodiversity.
- 6.5 Policies 1 and 2 encourage sustainable economic growth and regeneration, a move towards a low carbon economy, the protection of the natural and historic environment and mitigation against the impacts of climate change. In line with these policies, the proposal involves development within a site located in a sustainable location within the Ferniegair Community Growth Area where the principle of residential use is considered to be acceptable. The site benefits from opportunities for trips by public transport with bus and train routes located on the nearby Carlisle Road and Chatelherault Train Station and the development would be well integrated into existing walking and cycling networks and would encourage active travel. The site is also located within an acceptable distance to commercial services such as retail, leisure, schools etc. It is considered that the proposal would result in an attractive and vibrant addition to neighbouring residential development. Areas of landscaping are proposed within the development which would provide opportunities for enhanced biodiversity and leisure within the site and the surrounding area. Furthermore, the houses within the development would be designed to the latest technical standards in terms of insulation, air tightness and energy ratings. It is, therefore, considered that the proposal meets the terms of the above policies.
- 6.6 Policy 4 states that Development in the Green Belt will be strictly controlled and any proposals should accord with the appropriate uses set out in SPP. Both the Green Belt and the Rural Area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to locate in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported. Development proposals must also accord with other relevant policies and proposals in the development plan. As discussed, the vast majority of the site is located within the Ferniegair Community Growth Area which is covered by Policy 11 that states that the Council will support development on the sites included in the Housing Land Audit and identified on the proposals map. The small area of land within the site which is located within the Green Belt would be utilised as part of the proposed SUDS facility

and sewerage treatment works. Due to the scale and nature of these facilities it is considered that they would have no significant impact on the character or amenity of the Green Belt at this location. On this basis, the principle of residential development on the site is considered to be acceptable and in accordance with local development plan policy.

- 6.7 In terms of the detailed design of the development, Policies 5 and DM1 generally require new development to have due regard to the layout, form, design and local context of the area and to promote quality and sustainability in its design. In this instance, it is considered that the proposed layout for the development is acceptable and that it meets the main standards set out in the Council's Residential Design Guide. The proposed houses are of modern design with a suitably high standard of external finish materials and it is considered that the development would be in keeping with the existing residential development in the surrounding area. The proposed access and parking arrangements have been assessed and subject to conditions, are considered to be acceptable by the Council's Roads and Transportation Service. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent residential development in terms of its scale, design and materials and that the character and amenity of the area would not be impaired by reason of traffic generation, parking or visual intrusion. The proposed development incorporates areas of structured landscaping and open space to enhance the urban form and character of the site and existing habitats such as mature trees and open space would be retained and enhanced where possible and would be properly maintained and managed in the future. It is also envisaged that the SUDS facility proposed in the eastern area of the site would be planted with appropriate wet meadow mix and emergent species which would encourage biodiversity. All surface water runoff would be dealt with through a sustainable urban drainage system (SUDS) designed as an integral part of the overall landscape design. Path connections through the green spaces would offer opportunities for walking and cycling. It is considered that the application site and the surrounding area as a whole would benefit from the enhanced leisure and ecological opportunities that the proposal provides. Given the above, it is considered that the development of the site would have a positive impact on the environment and would enhance the quality of life for those living in the surrounding area. The proposal is, therefore, considered to be in accordance with the terms of Policies 5 and DM1.
- 6.8 With regard to Policy 7 and as previously discussed, the applicant has agreed in principle to the provision of affordable housing by way of a commuted sum in addition to financial contributions towards educational provision, to equate to the demand for school places arising from the proposed development, and financial contributions towards community facilities all of which would be addressed appropriately through the conclusion of a Section 75 Obligation following the submission of a viability assessment. In view of the above, the proposal meets the terms of Policy 7.
- 6.9 Policy 13 states that where applicable, development proposals should safeguard the green network, as identified on the proposals map, and identify opportunities for enhancement and/or extension which can contribute towards:-
- ◆ placemaking
 - ◆ mitigating greenhouse gases and adapting to the impacts of climate change
 - ◆ supporting biodiversity
 - ◆ enhancing health and quality of life
 - ◆ providing water management including flood storage, and buffer strips
 - ◆ development of blue-green networks using existing watercourses
 - ◆ improving air quality

- ◆ providing areas for leisure activity
- ◆ providing areas for allotments and community growing areas
- ◆ promoting active travel

- 6.10 It is considered that the proposed layout would create an enhanced sense of place at this location and would ensure the promotion of active travel through new and continued access between the existing footpath network in the area. Large areas of open space would be provided within the development in addition to existing and enhanced structured landscaping on the edge of the site. Any consent granted would be conditioned to ensure the submission of a landscaping scheme for the Council's approval which could incorporate the use of native species or those with known benefits to biodiversity to ensure continued opportunities for biodiversity and leisure within the site and the surrounding area. Given the above, it is considered that the development of the site would have a positive impact on the environment and the quality of life for those living in the surrounding area. It is therefore considered that the proposal meets the aims of Policy 13.
- 6.11 Policy 15 seeks to ensure that development considers, and where appropriate, mitigates the resulting impacts of traffic growth and encourages sustainable transport options that take account of the need to provide proper provision for walking, cycling and public transport. In this regard, the site is accessible by public transport with bus and train routes located on the nearby Carlisle Road and Chatelherault Train station. In terms of permeability, the development would be well integrated into existing walking and cycling networks and would encourage active travel. Furthermore, Roads and Transportation Services are satisfied that the proposal raises no access, parking or road safety issues. It is, therefore, considered that the proposal complies with Policy 15.
- 6.12 The proposal has been assessed by the relevant consultees in terms of Policies 16, DM15, SDCC2 and SDCC3. With regard to flooding and surface water drainage, no adverse comments were raised by Roads and Transportation Services subject to the Council's Sustainable Urban Drainage Systems (SUDS) design criteria being satisfied through the completion of the standard self-certification documents. In relation to sewerage, Scottish Water have confirmed that there is currently insufficient capacity for a foul only connection at the Ferniegair Waste Water Treatment works to service the development. In this regard, the applicant has advised that they are proposing to provide a separate waste treatment plant within the boundary of the site until the existing facility is upgraded at which point the site would be connected back into the main Scottish Water system. Any consent granted would include a condition to ensure that no dwellings are occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards. It is, therefore, considered that the proposal is in accordance with the terms of the above policies.
- 6.13 In summary, it is considered that the application conforms with both national and local plan policy and that the proposal raises no significant environmental or infrastructure issues. It is therefore recommended that the application be granted subject to the conditions listed and the conclusion of the required Section 75 Obligation.

7. Reasons for Decision

- 7.1 The proposal has no adverse impact on residential or visual amenity nor raises any environmental or infrastructure issues and complies with Policies 1, 2, 4, 5, 7, 11, 13, 15, 16, DM1, SDCC2, SDCC3, SDCC4, DM15, NHE18 and NHE20 of the adopted South Lanarkshire Local Development Plan 2.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ P/19/0014/PAN

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 01.09.2021
- ▶ Press Advertisement, Hamilton Advertiser 28.10.2021

- ▶ Consultations
 - Transport Scotland 22.10.2021
 - Roads Development Management Team 04.03.2022
 - Environmental Services 07.03.2022

 - Scottish Water 16.09.2021
 - SEPA West Region 07.09.2021
 - SP Energy Networks 01.09.2021
 - Community and Enterprise Resources - Biodiversity Officer 24.02.2022
 - Community and Enterprise Resources - Play Provision 27.01.2022
 - Community Contributions
 - Education Resources School Modernisation Team 23.09.2021
 - Housing Planning Consultations 28.02.2022

 - West of Scotland Archaeology Service 14.09.2021
 - Estates Services - Housing and Technical Resources 01.09.2021

- ▶ Representations
 - Mrs Ashley Campbell, 20, Peregrine Gardens, Ferniegair, ML3 7GJ Dated: 08.09.2021
 - Mrs Joanne Keltie, 54 Capercaillie Crescent, Hamilton, ML3 7GG 08.09.2021
 - Mr Iain Dunn, 6 Belvidere Drive, Ferniegair, Hamilton, ML3 7FZ 09.09.2021

Mrs Barbara Hogg, 21 Fairholm Avenue, Ferniegair, Hamilton, South Lanarkshire, ML3 7UA	21.09.2021
Lyn Clark, 19 Fairholm Avenue, Ferniegair, Hamilton, South Lanarkshire, ML3 7UA	17.09.2021
Ian and Brenda Laing, 27 Clyde Avenue, Ferniegair, Hamilton, South Lanarkshire, ML3 7TY	23.09.2021
Mrs Linda Anthony, 44 Clyde Avenue, Ferniegair, Hamilton, ML3 7TY	09.09.2021
Ms Laura Edwards, 6 O'Donnell Drive, Ferniegair, ML3 7FQ	09.09.2021
Mrs Megan Yuille, 18 Valleyfield, Ferniegair, Hamilton, ML3 7FL	08.09.2021
Mrs Maureen Young, 12 Black Grouse Grove, Ferniegair, Hamilton, ML3 7GH	08.09.2021
Dr Sarah McCready, 6 Shearer Avenue, Ferniegair, Hamilton, ML3 7FX	08.09.2021
Mrs Leigh McKenna, 31 Cooper Crescent, Hamilton, ML3 7FU	08.09.2021
Mr Grant Wyper, 7 Clyde Avenue, Ferniegair, Hamilton, ML3 7TY	08.09.2021
Mrs Kirstie McLean, 18 Peregrine Gardens, Ferniegair, Hamilton, ML3 7GJ	09.09.2021
Mrs M Dawkins, 101 Valleyfield Crescent, Ferniegair, ML3 7FJ	09.09.2021
Mr Christopher Thomson, 50 Capercaillie Crescent, Ferniegair, Hamilton, ML3 7GG	09.09.2021
Mr Alan McEwan, 22 Peregrine Gardens, Ferniegair, Hamilton, ML3 7GJ	10.09.2021
Mrs Jacqueline McLean, 113 Valleyfield Crescent, Ferniegair, ML3 7FJ	04.09.2021
Mrs Karen Kubica, 3 Red Kite Place, Hamilton, ML3 7GL	10.09.2021
Mr Ian Kelly, 30 Methil Court, Ferniegair, Hamilton, ML37FN	08.09.2021
Miss Roisin Gallagher, 8 Valleyfield Crescent, Ferniegair, Hamilton, ML3 7FL	08.09.2021
Ms Maureen Greenshields, 14 Clyde Avenue, Ferniegair, Hamilton, ML3 7TY	08.09.2021

Miss Deborah Kay, 47 Valleyfield Crescent, Hamilton, ML3 7FJ	12.09.2021
Mr Kenneth Stark, 1 Methil Court, Ferniegair, Hamilton, ML3 7FN	09.09.2021
Mr Ryan Keltie, 54 Capercaillie Crescent, Ferniegair, Hamilton, ML3 7GG	09.09.2021
Dr Erica Packard, 43 Capercaillie Crescent, Ferniegair, Hamilton, ML3 7GG	21.09.2021 21.09.2021
Mrs Carrie Carson, 2 Osprey Lane, Ferniegair, Hamilton, ML3 7GB	22.09.2021
Miss Kenna Fisher, 41 Valleyfield Crescent, Ferniegair, ML3 7FJ	22.09.2021
Miss H Louise, 21 Valleyfield Crescent, Ferniegair, ML3 7FJ	17.09.2021
Mr George Main, 15 Castlehill Crescent, Hamilton, ML3 7TZ	22.09.2021
Mrs Lynsay Harris, 67 Black Grouse Grove, Ferniegair, Hamilton, ML3 7GH	14.09.2021
Mr Sean McAllister, 115 Valleyfield Crescent, Ferniegair, Hamilton, ML3 7FJ	19.09.2021
Dr David Shields, 11 Denbeath Court, Ferniegair, ML3 7TR	19.09.2021
Mrs Claire Barrie, 80 Cooper Crescent, Ferniegair, Hamilton, South Lanarkshire, ML3 7FT	29.09.2021
Mr Geoffrey Baldwin, 25 Valleyfield Crescent, Hamilton, ML3 7FJ	17.09.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Jim Blake, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 453657
Email: jim.blake@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That before development starts, full details of the design and location of all fences and walls, including any retaining walls or retaining structures, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2, shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

05. That unless otherwise agreed, before development starts, full details of the design and location of any fence enclosing the proposed SUDS Facility shall be submitted to and approved by the Council as Planning Authority. Thereafter, the fence shall be erected and maintained to the Council's satisfaction.

Reason: In order to retain effective planning control.

06. That no dwellinghouse shall be occupied until the site is served by a sewerage scheme constructed in accordance with Scottish Water standards and as approved by the Council as Planning Authority in consultation with Scottish Water as Sewerage Authority.

Reason: To ensure the provision of a satisfactory sewerage system.

07. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable

Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

08. That details of the phasing of the development shall be submitted to the Council for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

Reason: In the interests of amenity and in order to retain effective planning control.

09. That no further changes in ground levels within the site shall take place without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

10. That before the development hereby approved is completed or brought into use, the new vehicular access so far as it lies within the boundaries of the road abutting the site, shall be constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: In the interests of traffic and public safety.

11. That no dwellinghouse shall be occupied until the access roads and footpaths leading thereto from the existing public road have been constructed in accordance with the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of satisfactory vehicular and pedestrian access to the dwellings.

12. That unless otherwise agreed, all of the mitigation measures stated in Chapter 4.4 of the Further Ecological Survey compiled by EnviroCentre Ltd and dated 21 July 2021 shall be implemented throughout the construction and post-construction phases of the development to the Council's satisfaction.

Reason: To ensure the protection of existing habitats within the site.

13. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:

- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
- (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
- (c) details of any top-soiling or other treatment to the ground;
- (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
- (e) proposals for the initial and future maintenance of the landscaped areas;

(f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

The developer shall consider additional biodiversity measures to benefit local wildlife. Draft guidance from NatureScot on Developing with Nature lists potential inclusions.

Reason: To ensure the appropriate provision of landscaping within the site.

14. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

15. That before any work commences on the site, a scheme for the provision of the equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include:

- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
- (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
- (c) details of the fences to be erected around the play area(s); and
- (d) details of the phasing of these works.

Reason: To ensure the provision of adequate play facilities within the site.

16. That prior to the completion or occupation of the last dwellinghouse within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 15 shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason: To ensure the provision of adequate play facilities within the site.

17. That prior to the development becoming occupied, the housing developer shall ensure that the neighbourhood noise levels (including noise from Industrial/Stationary and Road Traffic) comply with the following -

Part 1

Between the hours of 08:00 and 20:00 the measured noise rating level emitted from any pre-existing industrial or commercial premises (L_{Ar},1hr) shall not exceed the background noise level (L_{A90},30 min) by more than 4dB within the curtilage of the new residential development. This shall be measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 20:00 and 08:00 the noise rating level emitted from any pre-existing industrial or commercial premises (L_{Ar},15 min) shall not exceed the background noise level (L_{A90},30min) by more than 4dB. This shall be measured in accordance with BS4142:2014 at the proposed development.

Part 2

The internal noise levels shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows -

- a) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LAeq,8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows open (or under exceptional circumstances closed) do not exceed an LMax of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an LAeq,16hr of 55dB daytime (07:00 - 23:00) in any garden amenity areas, when measured free-field

Part 2 shall pay cognisance to Condition 18 below.

Part 3

The Internal Noise Rating Values, within the residential property and resultant from the neighbourhood (industrial and commercial) and neighbour noise (installed services), shall not exceed -

- o NR25 between 23.00hrs and 08.00hrs
- o NR35 between 08.00hrs and 23.00hrs

Reason: In the interest of amenity and to retain effective planning control.

18. With reference to the document Ferniegair Noise Impact Assessment dated 7 June 2021 (Document number: 9592) the following is required prior to the development becoming occupied in relation to Condition 17 Part 2.

2.1 Acoustic Barrier

A bund/barrier with a minimum combination height of both 5 metres and 2 metres at relative site locations shall be constructed and positioned as shown in Drawing 173346-049, Appendix C.

The details of the construction, surface density of materials and final positioning shall be submitted to and approved by the Council as Planning Authority and thereafter implemented to the Council's satisfaction. This shall be supplemented with a maintenance scheme for the lifetime of the barrier.

2.2 External Noise levels

A dedicated external area shall be provided capable of meeting the WHO community noise guidance level of an LAeq,16hr of 55dB daytime in the garden amenity areas. This may include the inclusion of localised screening such as a garden structure etc. providing an acoustic shadow capable of providing the additional insertion loss as required. The final details shall be submitted to and approved by the Council as Planning Authority and thereafter implemented to the Council's satisfaction.

2.3 Closed windows scheme and Glazing specifications.

For those most exposed facades requiring a closed window scheme to meet BS 8233:2014 Guidance on sound insulation and noise reduction, the final glazing and ventilation specification and proposed combined sound reduction shall be submitted

to and approved by the Council as Planning Authority and thereafter implemented to the Council's satisfaction. It shall also be demonstrated that the optimal reduction with windows partially open has been installed with cognisance to NANR116: 'Open/Closed Window Research' Sound insulation through ventilated domestic Windows as prepared by Napier University. This may require modified windows and openable areas on exposed facades.

Reason: In the interest of amenity and in order to retain effective planning control.

19. That the integrity of the existing fencing along the M74 trunk road boundary shall be maintained and protected.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

20. That prior to any works commencing on site the applicant shall submit for the written approval of the Council as Planning and Roads Authority a Traffic Management Plan (TMP) to cover all construction traffic access entering and exiting the site. This shall demonstrate external vehicular routes from Carlisle Road for all staff, operatives, construction plant, and deliveries. Once approved, works shall be undertaken in accordance with the approved TMP.

Reason: These details have not been submitted or approved.

21. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

22. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

23. That parking for the development shall be provided in accordance with the proposals shown on drawing 19062(PL)001 Revision L with parking provision in accordance with SCOTS National Roads Development Guide as follows:

- 2 and 3 bedrooms - 2 parking spaces
- 4 and 5 bedrooms - 3 parking spaces

Reason: To ensure the provision of adequate parking facilities within the site.

24. That unless otherwise agreed, prior to commencing works on site the applicant shall submit details to demonstrate that each dwelling has access to their own electric vehicle charging (EVC) point. Details shall also include arrangements for siting of charging posts taking account of parking bays/boundary features/pedestrian movement, along with maintenance arrangements, all for the written approval of the Council as Planning and Roads Authority. Thereafter, the agreed EVC provision shall be installed, commissioned, and maintained, in accordance with the approved plans and specifications prior to that property which it serves being occupied.

Reason: These details have not been submitted or approved.

25. That before development starts, a Transport Assessment (TA) Addendum shall be submitted to and approved by the Council as Planning and Roads Authority. The previously submitted TA for the development has been based on a 2022 'Year of Opening' which is now unlikely.

Reason: In the interests of public and road safety.

26. That any vehicle transporting excavated material on or off site shall be treated by means of an adequate wheel washing facility which shall be in operation at all times during any earth moving operations. The wheel washing facility shall be fully operational prior to any works commencing on site. A "clean zone" shall be maintained between the end of the wheel washing facility and the public road. A detailed plan showing this arrangement shall be submitted to and approved by the Council as Planning and Roads Authority prior to any works commencing on site. A public-road brush motor shall also be operational during any earthworks operations and/or during any bulk material deliveries.

Reason: In the interests of public and road safety.

27. That sufficient parking shall be provided within the site boundary to accommodate all site staff/operatives parking requirements and under no circumstance shall vehicles associated with the site cause an obstruction on the public road network. A plan showing the location and number of spaces for site staff and operatives shall be submitted to and approved by the Council as Planning and Roads Authority prior to any works commencing on site. Thereafter, these spaces shall be provided within the site to the Council's satisfaction.

Reason: In the interests of amenity and in order to retain effective planning control.

28. That a sufficient area for the storage of all plant and materials shall be provided within the site boundary. Under no circumstances shall plant or materials associated with the site cause an obstruction on the public road network. A plan showing the area shall be submitted to and approved by the Council as Planning and Roads Authority prior to any works commencing on site. Thereafter, the area shall be provided within the site to the Council's satisfaction.

Reason: In the interests of amenity and in order to retain effective planning control.

29. That prior to any works commencing on site, a dilapidation survey for the public roads from Carlisle Road to the site access shall be undertaken and shall be submitted to and approved by the Council as Planning and Roads Authority.

Reason: These details have not been submitted or approved.

30. That all driveways, or shared accesses, shall have a maximum gradient of 10%.

Reason: In the interests of public safety.

31. That within the development, junction sightlines of 2.4m x 43m shall be provided. Also within the development, forward visibility of 15m shall be provided at the traffic calming speed bends to the satisfaction of the Council as Planning and Roads Authority.

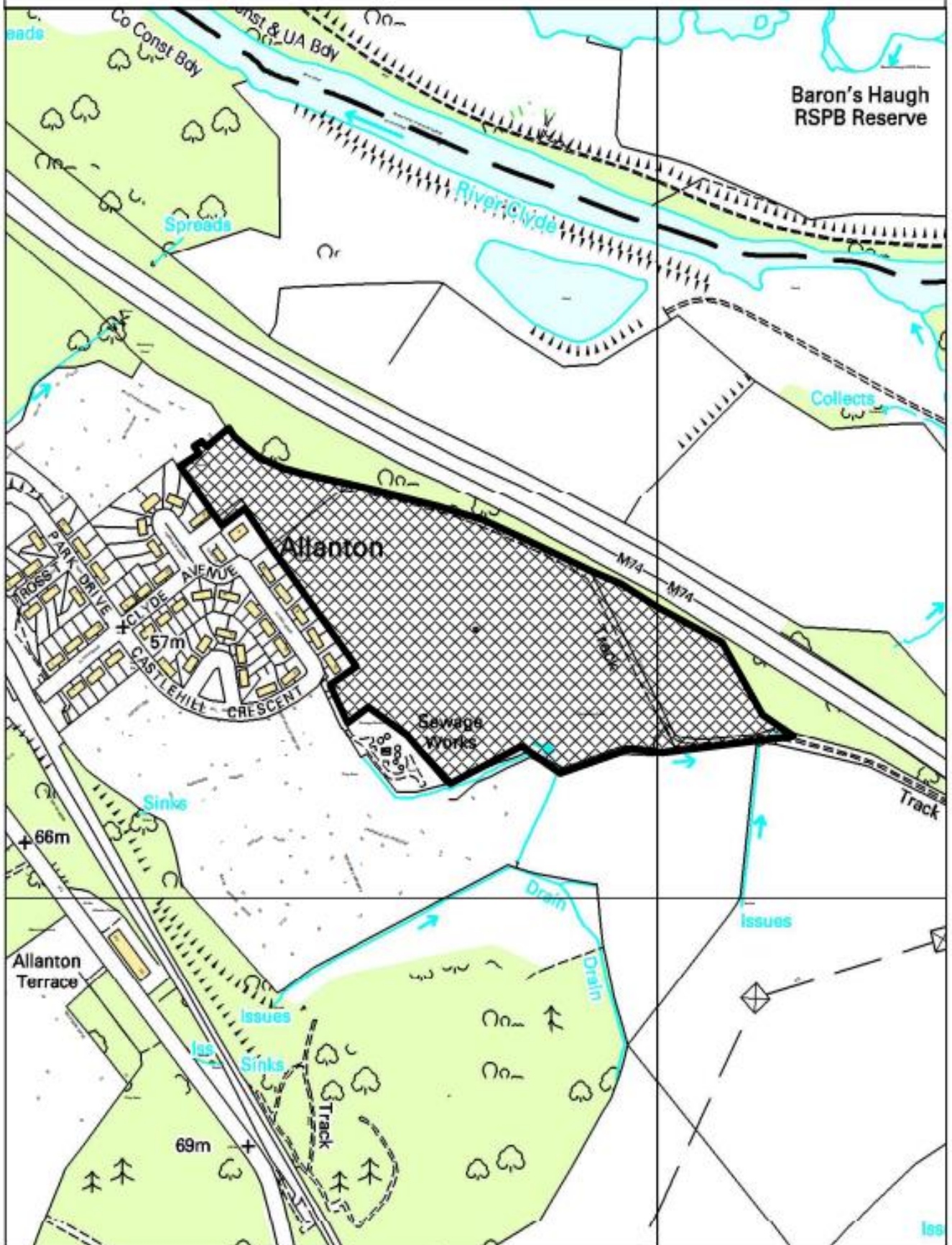
Reason: In the interests of road safety.

32. That the submitted Travel Pack shall be distributed to all future residents of the development hereby approved to the satisfaction of the Council as Planning and Roads Authority.

Reason: To encourage sustainable travel to and from the development.

P/21/1517

Land 142M ENE of 43 Clyde Avenue, Ferniegair



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Scale:
1:5,000
Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

10

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1177
Planning proposal:	Formation of a car storage depot (Class 6) for the storage, distribution and processing of vehicles, erection of ancillary buildings, car parking, access and associated infrastructure

1 Summary application information

- ◆ Application type: Detailed planning application
- ◆
- ◆ Applicant: Copart UK
- ◆ Location: Land 220M SSE of 12 Stroud Road
Stroud Road
East Kilbride
South Lanarkshire

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: Adam Henry
- ◆ Council Area/Ward: 06 East Kilbride South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 2 Climate change
Policy 5 Development Management and Placemaking
Policy 8 Employment
Policy 15 Travel and Transport
Policy DM1 New Development Design
Policy SDCC1 Vacant, Derelict and Contaminated Land

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

SEPA Flooding

Scottish Water

SP Energy Networks

Roads Flood Risk Management

Planning Application Report

1 Application Site

- 1.1 The application site relates to vacant industrial land which was the site of the former Freescale Semiconductor Works and former Jeyes Chemical Factory on Stroud Road in East Kilbride. The site is bounded by Stroud Road, Singer Road and Colvilles Road and by existing industrial and business premises on Stroud Road and Glenfield Road. There is an establish woodland to the south of the site on the opposite side of Colvilles Road. The site is generally level and has been cleared of all buildings and most structures, except for a small electricity substation and associated apparatus and carpark hard standing. There are some areas of demolition material remaining on site which have been distributed to level areas. Much of the surface of the site is either existing tarmac in previous parking areas or levelled rubble surface. The site has a limited coverage of regenerated vegetation and there are linear areas of more mature trees and hedgerow shrub planting along the boundary of the site. There are a number of existing access points into the site from Stroud Road, Colvilles Road and Singer Road. The site measures approximately 12.6 hectares. The site is located in the Kelvin Industrial Estate which is a designated Core Industrial and Business Area in the Adopted South Lanarkshire Local Development Plan 2.

2 Proposal(s)

- 2.1 The applicant's, Copart UK Limited, propose to form a car storage depot (Class 6) for the storage, distribution and processing of vehicles, erection of ancillary buildings, car parking, access and associated infrastructure. The proposal includes open storage areas for up to 5,000 vehicles, a modular office building, processing building, vehicle receiving area and photographic bays, motorcycle storage, wash bays, a depollution building and area, security fencing, floodlighting and pole mounted CCTV and infrared cameras. The lighting is proposed to be switched off during the night with a small area operating on motion sensor lighting for any night-time operations, mainly a small number of car deliveries by agents like the RAC. The main operating hours will be between 07:30 and 18:00, with car deliveries and exports between 08:30 and 17:30 Monday to Friday and a very small number outside these hours and during the weekend. The processed vehicles are sold as whole vehicles and all vehicles are sold only in online auctions and only to trade members and the premises are not open to the general public for retail sales.
- 2.2 One main vehicular access point is proposed from Colvilles Road at the location of the existing site access. This access will be used by large vehicle transporters and other smaller vehicles both dropping off and collecting cars and motorcycles and as the access to customer and staff parking. The modular portacabin office building measures approximately 20.0m x 25.0m and is 3.3m in height and will provide a reception area, offices and staff welfare facilities. The processing building measures approximately 21.0m x 16m and is 6.8m in height and of a steel frame construction with metal cladding. The wash bay building measures 21.0m x 15.0m and is 7.0m in height, of a steel frame construction with metal cladding and has four large vehicle roller shutter doors. This building will provide four vehicle wash and preparation bays. The main open vehicle storage areas will be finished in a permeable open surface to reduce surface water run-off. The site will be enclosed by a 2.4m palisade metal security fence and a mechanical sliding vehicular gate is proposed at the main entrance.
- 2.3 The facility will create approximately 60 jobs, around 30 will be office and yard staff and the remainder specialist and transportation, HGV drivers. The applicant has submitted a number of documents in support of the application, these include a Planning Statement, Transport Statement, Noise Impact Assessment, Environmental

Management Plan, Flood Risk and Drainage Statement and a Site Investigation Report.

3 Background

3.1 Local Plan Status

- 3.1.1 The site is located within the Kelvin Industrial Estate Core Industrial and Business Area and is subject to the following policies in the adopted South Lanarkshire Local Development Plan 2:

Policy 2 Climate change

Policy 5 Development Management and Placemaking

Policy 8 Employment

Policy 15 Travel and Transport

Policy DM1 New Development Design

Policy SDCC1 Vacant, Derelict and Contaminated Land

The content of the above policies and documents and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Planning Background

- 3.2.1 The site has been vacant for a number of years with the closure of the large Freescale Semiconductor Plant and the Jeyes Chemical Factory around 2009. Prior to this there were a number of planning consents on the site the most recent being in 2006 (EK/06/0281) for the addition of external fire escapes, in 2001 (EK/01/0439 & EK/01/0426) for the installation of liquid hydrogen storage tanks, vaporisers, fencing and associated works by Motorola Limited the owners of the site at that time. Most recently the current applicants submitted a Proposal of Application Notice (P/21/0003/PAN) in respect of the current proposal which was approved in April 2021.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** – no objections subject to conditions being attached in respect of parking, closure of redundant accesses and a Construction Traffic Management Plan.

Response: Noted. Relevant conditions can be attached to any consent.

- 4.2 **Environmental Services** – no objections subject to conditions being attached in respect of contamination.

Response: Noted. Relevant conditions can be attached to any consent.

- 4.3 **Scottish Water** – no objections to the proposed development.

Response: Noted.

- 4.4 **SEPA Flooding** – No response to date. Council Flooding Section have assessed the proposed development and have no objections subject to conditions being attached in respect of SUDs and Drainage Design details.

Response: Noted. Relevant conditions can be attached to any consent.

- 4.5 **SP Energy Networks** – No response to date.

- 4.6 **Roads Flood Risk Management** – no objections subject to conditions being attached in respect of SUDs and Drainage Design details.

Response: Noted. Relevant conditions can be attached to any consent.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in respect of the non-notification of neighbours and scale and nature of the development. Following this, 1 letter of comment was received. The issues raised in this representation can be summarised as follows:-

a) Comment that the flora, fauna and species requires to be protected throughout the development process.

Response: Given the location and condition of the site and the nature of the proposed development, it is considered unlikely that there would be any such impacts in this case. The site has been cleared of all buildings and most structures, except for a small electricity substation and associated apparatus and carpark hard standing. There are large mounds of demolition material remaining on site and limited coverage of regenerated vegetation.

- 5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

- 6.1 The application is for the formation of a car storage depot (Class 6) for the storage, distribution and processing of vehicles, erection of ancillary buildings, car parking, access and associated infrastructure. The determining issues in consideration of this application are its compliance with local development plan policy and the proposal's impact on the amenity of adjacent properties and on the local road network.

- 6.2 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 2 Climate Change aims to ensure that new developments minimise and mitigate against climate change and the generation of greenhouse gases. The car storage depot will provide a centralised facility for the recycling of pre-owned vehicles, salvage title vehicles including ex rental vehicles and ex fleet vehicles, allowing them to be brought back into use rather than becoming waste. The proposal will provide a modern centralised facility and bring a vacant and derelict industrial site back into use. The site is not on peatland or carbon rich soil or in a flood risk area. It is therefore considered that the proposal is consistent with Policy 2 of the adopted local development plan.

- 6.3 Policy 5 - Development Management and Policy DM1 New Development Design of the Local Development Plan state that all planning applications should take fully into account the local context and built form in terms of layout, scale, massing, design and external materials. Furthermore, any proposal should ensure suitable parking and access. Developments should be of a high quality design, incorporate energy efficient designs and alternative energy sources. The proposal is of a suitable nature and scale in this location in an established industrial estate. The proposal will provide a modern centralised facility which has been designed to a high standard and provides sufficient parking and suitable access. Roads and Transportation Services both Roads Development Management and Roads Flooding, and Environmental Services offered no objections to the proposal subject to a number of conditions being attached to any planning consent. All requested conditions have been attached to the consent. I am satisfied that the development complies with all the relevant criteria is therefore considered to be consistent with Policy 5 - Development Management and Policy DM1 New Development Design.

- 6.4 Policy 8 Employment of the Local Development Plan details the Councils support for sustainable growth and regeneration of business through the identification of employment land. Kelvin Industrial Estate is identified as a Core Industrial and Business Area where the established industrial / business uses (Class 4/5/6) are to be retained. The proposed use as Class 6 Storage is suitable in an established industrial

area such as this and is considered to represent sustainable regeneration. It will bring a vacant and derelict industrial site back into use and provide employment in the East Kilbride area. The proposed development is therefore considered acceptable and to be in compliance with Policy 8 of the adopted local development plan.

- 6.5 Policy 15 Travel and Transport aims to ensure that new developments promote opportunities for sustainable travel and do not have an unacceptable adverse impact in terms of traffic generation. The development is located where there is access to public transport, with bus routes along Stroud Road and the wider area. The applicant is providing a footpath link to Stroud Road from the main site offices to encourage staff to use public transport. There are also good footpath links along roads in the area providing access to the wider public transport and to local cycle routes. The applicant submitted a Transport Statement in support of the application and Roads and Transportation Services had no objection to the proposal subject to a number of conditions being attached to any planning consent. The proposed development is therefore considered acceptable and to be in compliance with Policy 15 of the adopted Local Development Plan.
- 6.6 Policy SDCC1 Vacant, Derelict and Contaminated Land seeks to ensure the remediation and redevelopment of vacant and derelict land and buildings which is a priority for the Council and is a key theme in the overall strategy in the Council Plan. The proposal will bring a vacant and derelict industrial site back into use and improve the environment of the site. The applicant has submitted a detailed Site Investigation Report in support of the application which set out a number of mitigation measures for the site. Following assessment of the proposal and the Site Investigation Report, and after seeking further clarification on a number of issues Environmental Services raised no objection to the proposal subject to conditions in relation to contamination being attached to any consent. The proposed development is therefore considered acceptable and to be in compliance with Policy SDCC1 of the adopted Local Development Plan.
- 6.7 Given the above, it is considered that the proposal will have no significant adverse impact upon amenity, will bring a vacant and derelict industrial site back into use, improve the environment of the site, provide additional employment opportunities and that it complies with policies 2, 5, 8, 15, DM1 and SDCC1 of the adopted South Lanarkshire Local Development Plan 2. It is, therefore, recommended that the application be granted subject to the conditions listed.

7 Reasons for Decision

- 7.1 The proposal has no detrimental impact on amenity, will bring a vacant and derelict industrial site back into use, improve the environment of the site, provide additional employment opportunities and complies with policies 2, 5, 8, 15, DM1 and SDCC1 of the adopted South Lanarkshire Local Development Plan 2.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ Planning Consent EK/01/0426
- ◆ Planning Consent EK/01/0439
- ◆ Planning Consent EK/06/0281
- ◆ Proposal of Application Notice P/21/0003/PAN

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 7 July 2021

- ▶ Consultations
 - Roads Development Management Team 22.09.2021
&
29.10.2021
 - Environmental Services 11.10.2021
&
25.02.2021
 - Scottish Water 13.08.2021
 - Roads Flood Risk Management 11.10.2021

- ▶ Representations Dated:
 - Mr J Allan, 94 Franklin Place, East Kilbride, G75 8LS 23.07.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Morag Neill, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455053
Email: morag.neill@southlanarkshire.gov.uk

Conditions and reasons

01. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

02. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

03. That before development starts, details of all boundary treatment(s) shall be submitted to and approved by the Council as Planning Authority and thereafter all approved works shall be completed to the satisfaction of the Council prior to the development hereby approved being occupied or brought into use.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. That before the development hereby approved is brought into use, details of the storage and collection of waste arising from the development shall be submitted to and approved by the Council as Planning Authority. The storage and waste collection scheme shall be implemented before the development is brought into use and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.

05. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

06. That the premises and land shall be used for wholesale trading between wholesalers and bona fide retailers only and not for retail purposes, to the satisfaction of the Council as Planning Authority.

Reason: In order to retain effective planning control.

07. Before the floodlighting hereby approved is brought into operation, the lamps shall be cowled to prevent spillage of light onto the adjacent public roads to the entire satisfaction of the Council as Planning Authority:

Reason: To minimise the risk of nuisance from light pollution to nearby occupants.

08. That the light fitting(s) hereby approved shall be installed so that the light beams are directed down and into the site to prevent any glare onto the adjacent roads and shall be maintained in such a position through the working life of the installation.

Reason: In the interests of traffic safety and visual amenity.

09. The developer shall ensure that (prior to the development becoming occupied) the neighbourhood noise levels from the industrial storage development shall comply with the following-

Part 1

Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the industrial storage development (L_{Ar},1hr) shall not exceed the background noise level (L_{A90},30 min) by more than 4dB within the curtilage of any residential property. This shall be measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development. Between the hours of 20:00 and 08:00 the noise rating level emitted from the industrial storage development (L_{Ar},15 min) shall not exceed the background noise level (L_{A90},30min) by more than 4dB. This shall be measured in accordance with BS4142:2014 at the proposed development.

Part 2

The internal noise levels resultant from the industrial storage development shall comply with BS 8233:2014 Guidance on sound insulation and noise reduction for buildings as follows-

- a) The internal levels with windows open do not exceed an L_{Aeq},16hr of 40dB daytime (07:00 - 23:00)
- b) The internal levels with windows open do not exceed an L_{Aeq},8hr of 30dB night-time (23:00 - 07:00).
- c) The internal levels with windows do not exceed an L_{Amax} of 45dB night-time (23:00 - 07:00).
- d) The external levels shall not exceed an L_{Aeq},16hr of 50dB daytime in any garden amenity areas, when measured free-field

Part 3

The Internal Noise Rating Values resultant from the industrial storage development within any residential property and resultant from the development shall not exceed-

- ◆ NR25 between 23.00hrs and 08.00hrs
- ◆ NR35 between 08.00hrs and 23.00hrs

10. That before the development is completed or brought into use, all of the parking spaces shown in Drawing Proposed Site Layout Rev C on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

11. That before the development hereby approved is completed or brought into use the existing redundant accesses, as shown on Drawing Proposed Site Layout Rev C, shall be reinstated to footway and verge along the frontage of the site to the specification of the Council as Roads and Planning Authority.

Reason: In the interests of public safety.

12. That before any works starts a Construction Traffic Management Plan (TMP) for the construction phase with information such as, but not limited to, details of access and parking provision for staff and visitors, intended working hours, how deliveries of materials will be managed and stored and what wheel washing facilities will be provided to prevent mud being carried on to the adopted road, shall be submitted to and approved by the Council as Planning Authority. The TMP shall include a Travel Plan element to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The TMP shall be produced in consultation with the Council's Roads & Transportation Service.

Reason: In the interests of traffic and public safety.

13. The recommendations contained within the approved Construction Traffic Management Plan shall be implemented and adhered to at all times. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction activities where these will have an impact on the approved TMP. The developer will consult with the Council, as Roads Authority to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes to the satisfaction of the Council as Planning Authority.

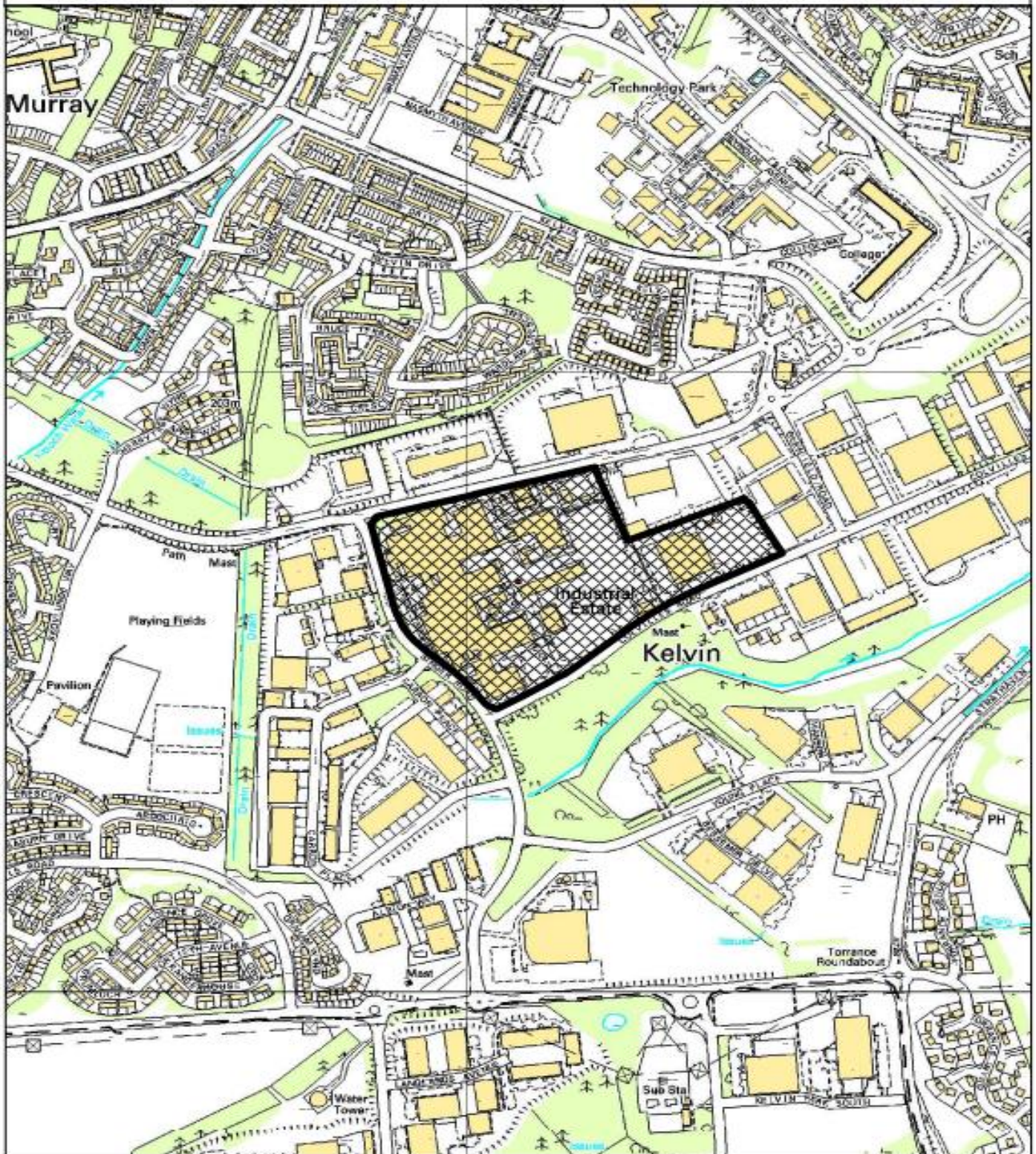
Reason: In the interests of traffic and public safety.

14. That the applicant should be required to undertake an updated fully comprehensive site investigation, carried out to the appropriate Phase level, to be submitted to and approved in writing by, the Council as Planning Authority. The investigation shall be completed in accordance with advice given in the following:
- ◆ Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
 - ◆ Contaminated Land Report 11 – 'Model Procedures for the Management of Land Contamination (CLR 11) – issued by DEFRA and the Environment Agency
 - ◆ BS 10175:2011 – British Standards institution 'The Investigation of Potentially Contaminated Sites – Code of Practice'.

If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.

If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.

Reason: To avoid unacceptable risks to human health and the environment, to ensure that the land is remediated and made suitable for its proposed use.



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Scale:
1:8,000
Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

11

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no:	P/21/0947
Planning proposal:	Change of use of bookmakers to hot food take-away and installation of extract flue at rear

1. Summary application information

Application type:	Detailed planning application
Applicant:	Mr Akram Mohammed
Location:	253 Glasgow Road Blantyre G72 0YS

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: James Baird
- ◆ Council Area/Ward: 15 Blantyre
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted April 2021)**
Policy 5 - Development Management and Placemaking
Policy 9 - Network of Centres and Retailing
Policy DM9 - Hot Food Shops

◆ Representation(s):

- | | | |
|---|---|--|
| ▶ | 2 | Objection Letters (one of which relates to a petition with 116 signatures) |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comment Letters |

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Blantyre Community Council

Planning Application Report

1. Application Site

- 1.1 The planning application site relates to a vacant ground floor unit within a traditional two storey sandstone building.
- 1.2 The site is enclosed to the north by Glasgow Road and to the east by an existing hot-food unit and further by vehicular access to the rear of the site. In addition, the site is enclosed to the south by a service area for the ground floor units and further by buildings associated with a car repair operation. To the west the site is enclosed by a coachwork operation and a funeral directors. The site is situated within the designated town centre of Blantyre.
- 1.3 The unit has been vacant since July 2021 and was formally occupied by a bookmakers, which is a Class 2 (Financial, Professional and Other Services) use. The agent has advised that the applicant currently operates a hot food use from the nearby unit at 249 Glasgow Road and they seek to re-locate to the larger premises at the application site. The applicant has submitted correspondence (letter dated 2 March 2022) from their solicitor which confirms that they own the unit at 249 Glasgow Road and the application site. In addition, this letter advises that, following the relocation of the existing hot food take-away, the unit at 249 Glasgow Road will be occupied by a Class 1 (Retail) use.
- 1.4 The site is situated adjacent to Glasgow Road, which is a busy main route through Blantyre. There is on-street parking provision on Glasgow Road and the surrounding street. In addition, there is also off-street parking available nearby in an established car park at Stonefield Road.

2. Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the change of use from a bookmakers to a hot food take-away and the installation of an extract flue to the rear at 253 Glasgow Road, Blantyre.
- 2.2 The proposed change of use will accommodate a customer area, kitchen, staff area, toilet and a storage area. The proposal also includes the installation of a new extraction system in the form of a traditional flue, situated to the rear of the property, which will project 1m above the rear elevation.

3. Background

3.1 Local Plan Status

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan and its impact on residential amenity and Blantyre town centre. The South Lanarkshire Local Development Plan was adopted in April 2021.
- 3.1.2 The planning application site is designated under the provisions of the Blantyre town centre in the adopted Local Development Plan. The site is affected by Policy 5 'Development Management and Place Making,' Policy 9 'Network of Centres and Retailing' and Policy DM9 'Hot Food Shops' of the adopted South Lanarkshire Local Development Plan.

3.2 Relevant Government Advice/Policy

- 3.2.1 Given the nature and scale of the proposal, there is no specific Government guidance directly relevant to the proposed development.

3.3 Planning Background

3.3.1 There is no recent planning history relative to the application site.

4. Consultation(s)

4.1 **Roads Development Management Team** - have advised that the general impact of the development proposal is suitable at this location and that there is adequate on-street car parking in the vicinity.

Response: Noted.

4.2 **Environmental Services** - have offered no objection to the proposal subject to the imposition of a condition and advisory notes relating to health and safety, noise and nuisance.

Response: Noted. It is advised that these requirements can be addressed through the use of a planning condition and advisory notes, where appropriate.

4.3 **Blantyre Community Council** - no response to date.

Response: Noted.

5. Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press. Following this publicity, two letters of objection, one of which enclosed a petition signed by 116 parties, were received in relation to the application. The grounds of objection are summarised below:-

a) **There are fourteen hot food uses within 1000sq.m and the area has become saturated with food outlets. The proposal will result in another hot food operation in the area.**

Response: It is noted that there are already similar premises within the locality of the site. It is well established, however, that it is not the role or function of the planning system to control or regulate the supply or demand for the provision of such outlets, this being for the 'market' to determine. In addition, it should be noted that the site is situated in the designated Blantyre town centre and hot food take-aways and restaurant uses are generally directed to such locations.

Notwithstanding the above, the proposal relates to the re-location of the existing hot food operation at 249 Glasgow Road to new premises at the application site. The hot food use at 249 Glasgow Road will cease and therefore the proposal will not result in an additional hot food take-away use in the area.

(b) **The community pub on Glasgow Road has also been recently turned into a hot food use with a convenience store.**

Response: Planning consent was granted on 23 March 2021 for the 'change of use from public house to retail unit and external alterations to existing building' (P/20/1838). Therefore, this consent relates to a class 1 retail use and not a hot food take-away use.

(c) **Glasgow Road is already very busy and the new recent developments in the area will result in the road being even busier. In addition, there are existing parking issues on Glasgow Road and an additional hot food take-away use will exacerbate these problems.**

Response: It is noted that Glasgow Road is a busy main route through Blantyre, however, as the proposal relates to the relocation of the existing use to a larger unit it is considered that any potential increase in traffic would be minimal.

Roads and Transportation Services were consulted in relation to the development and they advised that they had no concerns regarding the proposal and that there is adequate on-street car parking in the vicinity of the site.

- (d) **The proposal relates to the re-location of an existing take-away at 149 Glasgow Road, however, no such premises exist at this location.**

Response: The agent originally submitted a letter, received 19 May 2021, which was available to view on the planning portal that advised the applicant was proposing to relocate from 149 Glasgow Road to the application site. However, this information submitted to the Planning Service was incorrect and the agent confirmed in a letter, received 16 September 2021, that this was an oversight and the correct address of the existing premises is 249 Glasgow Road.

It is noted that this error has unfortunately caused some confusion for third parties who have viewed the supporting information relating to the planning application.

- (e) **It is hard for existing businesses on Glasgow Road and these should be protected, without consent for additional food outlets being granted.**

Response: Noted. The proposal relates to the relocation of an existing operational business on Glasgow Road to a larger premises at 253 Glasgow Road, which is in very close proximity to the existing unit. Therefore, it is considered that the proposal should help support and retain an existing business within Blantyre town centre.

- (f) **This is one of the oldest properties on the south side of Glasgow Road. It was formerly occupied by the YMCA and it is considered that it should be utilised by children.**

Response: The last use of the site was as a bookmakers and the submission of a planning application for a hot food use at the site is outwith the control of the Planning Service. As an application has been submitted for a hot food use at the site, the Planning Service is required to assess and determine the proposal.

- (g) **Concern that the proposal will result in the generation of odours at the site.**

Response: The proposal includes the installation of a new ventilation system at the site, which will minimise any potential odour issues. In addition, Environmental Services were consulted in relation to the development and they have not raised any concerns in relation to this issue.

- (h) **Concern that the development will result in noise issues at the site.**

Response: It is noted that the site is situated in Blantyre town centre and the surrounding land uses include a wide range of commercial uses. In addition, the site is located adjacent to a busy road. Therefore, whilst the concerns regarding existing noise issues are noted, those residents who live in close proximity to this site cannot expect to have the same level of amenity as those occupiers who reside in exclusively residential estates as they are impacted by the existing mix of land uses. Therefore, it is not considered that the proposed development will significantly adversely affect the existing residential amenity of the area.

Environmental Services have been consulted in relation to the proposed development and have advised that they have no objection to the change of use, subject to the imposition of a condition relating to the noise levels arising from the site.

(i) **The proposal will result in more litter at the site.**

Response: A condition can be attached to the consent which requires the submission of details regarding the storage and the collection of waste arising from the development.

(j) **Residents of Blantyre want to be fully consulted in relation to any future proposals.**

Response: Noted. Under the terms of the current legislation, neighbouring occupiers (within a 20m distance of a site boundary) are sent neighbour notification letters from the Planning Service advising them of the submission of a planning application and depending on the type of development, the application may also be advertised in the local press. In addition, the details of all new planning applications are available to view on the Councils Planning portal.

5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the change of use from a bookmakers to a hot food take-away and the installation of an extract flue to the rear at 253 Glasgow Road, Blantyre.

6.2 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan and its impact on residential amenity and Blantyre town centre.

6.3 With regards to Government guidance and advice, as detailed in section 3.2, it is considered that there are no significant issues raised by the proposal in this regard.

6.4 In terms of Local Plan policy, the site is situated in the town centre of Blantyre and is affected by Policy 9 of the adopted Local Development Plan. This policy establishes that the role of the designated town centre is to accommodate a wide range of services. Subsequently, the policy generally directs and supports a diverse range of uses such as retail, leisure, professional services, residential and commercial development appropriate to the network of centres. The proposed change of use from a bookmakers to a hot food take-away is considered to be a use which could be supported within the town centre. Indeed, there are a number of hot food establishments already in the town centre and, whilst it would be preferable not to have two hot-food uses within adjacent units, the operator is relocating from a nearby property. Subsequently, it is considered that the proposal raises no issues within the context of Policy 9 of the adopted Local Development Plan.

6.5 Policy 5 of the adopted Local Development Plan identifies that all development proposals will require to take account of and be integrated with the local context and built form. The property is currently vacant and it is accepted that a long-term vacant property can result in an adverse visual impact on an area. Therefore, it is considered that the proposed change of use will result in the reoccupation of the building whilst simultaneously improving the vitality of the area. In terms of the ventilation system, the flue is proposed to be situated to the rear of the existing building and will have no impact on the streetscape and it is noted that these ventilation systems are generally

commonplace to the rear of tenement properties particularly within town centre locations. In addition, in relation to the amenity of the adjacent properties, Environmental Services assessed the proposed development and have not raised any concerns regarding any potential issues in relation to noise or odours. Therefore, it is considered that the proposal will not result in a significant material impact on the streetscape or any nearby properties and raises no issues within the context of Policy 5 of the adopted Local Development Plan.

- 6.6 Policy DM9 provides criteria for the assessment of applications for hot food shops. The unit has been vacant since July 2021 and relocation of the hot food use from the existing unit from 249 Glasgow Road will result in the occupation of the application site. The applicant's solicitor has advised that the intention is to occupy the unit at 249 Glasgow Road with a class 1 retail use. Subsequently, it is not considered that the proposal will adversely impact on the retail function of the area. In addition, Glasgow Road is a busy main route, the site is surrounded by a wide range of land uses and there is parking provision in close proximity to the property. Therefore, it is not considered that this proposal will have a significant adverse impact in terms of environmental, traffic, public safety and amenity considerations and raises no issues within the context of Policy DM9 of the adopted Local Development Plan.
- 6.7 In conclusion, the proposal relates to the relocation of an existing hot food use to a larger nearby premises which will result in the occupation of a vacant property within Blantyre town centre. In addition, the proposed alterations to the property are considered minimal and will not adversely affect the character and appearance of the building or the streetscape. In view of the above, it is recommended that planning consent be granted subject to conditions.

7. Reasons for Decision

- 7.1 The proposal will not result in a significant adverse impact on the amenity of the adjacent properties or Blantyre town centre. The proposal raises no issues within the context of Policies 5, 9 and DM9 of the adopted Local Development Plan 2 and there are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 10 March 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter, dated 14 July 2021
- ▶ Press Advert, Hamilton Advertiser, dated 22 July 2021
- ▶ Email from agent, dated 24 February 2022
- ▶ Letter from Leonards Solicitors, dated 2 March 2022

► Consultations

Roads Development Management Team 19.08.2021

Environmental Services 12.07.2021

► Representations Dated:

Mr David Agnew, 233 Glasgow Road, Blantyre, G72 0YS 30.07.2021

David Agnew, 22 Clydesdale Street, Hamilton, ML3 0DA 23.08.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Gail Neely, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455932

Email: gail.neely@southlanarkshire.gov.uk

Conditions and reasons

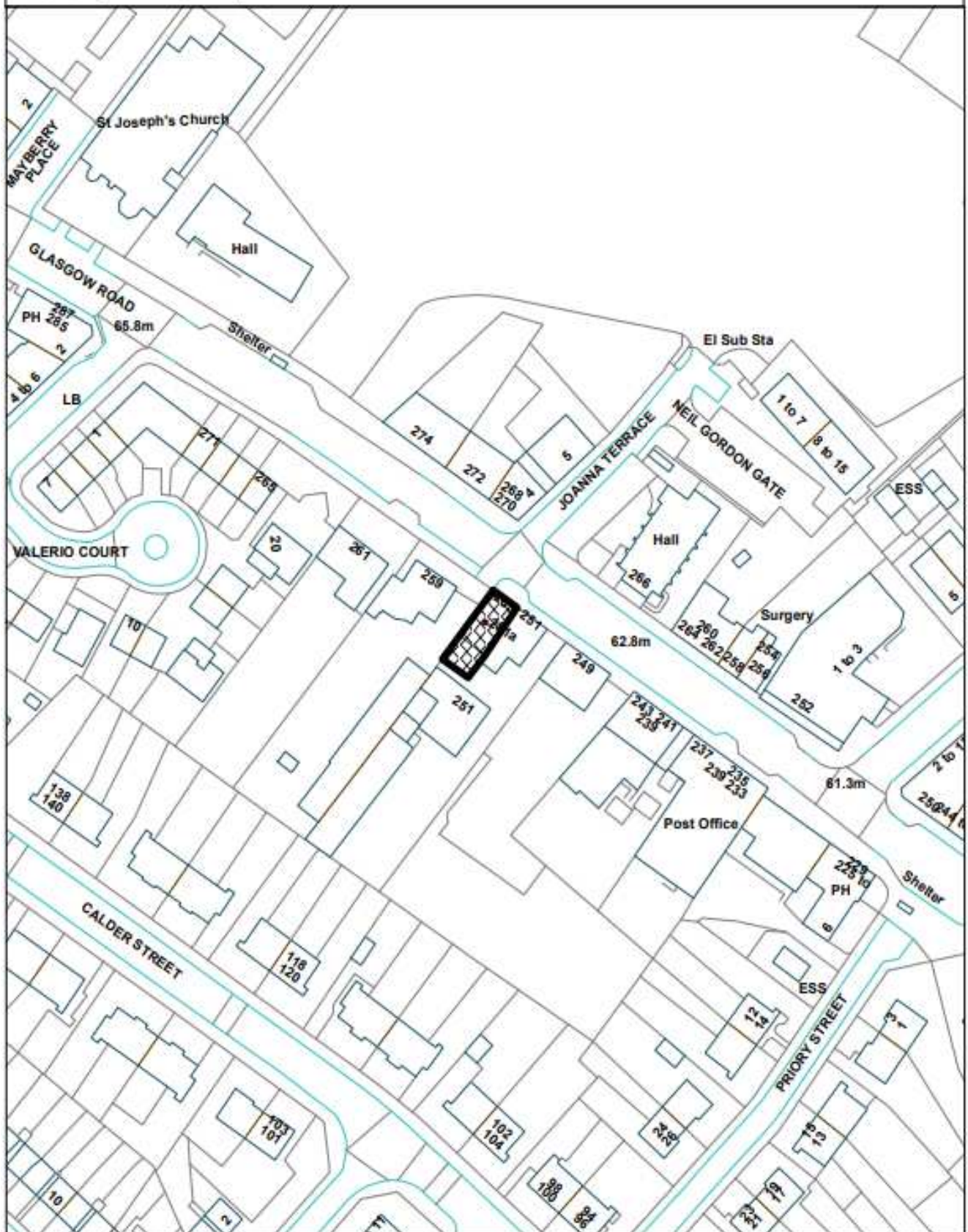
01. Between the hours of 08:00 and 20:00 the measured noise rating level emitted from the premises (L_{Ar},1hr) shall not exceed the pre-existing background noise level (L_{A90},30 min) by more than 4dB when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at buildings where people are likely to be affected. Between the hours of 20:00 and 08:00 the noise rating level emitted from the premises (L_{Ar},15min) shall not exceed the pre-existing background noise level (L_{A90},30min) by more than 4dB when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

All lifts and/or hoists, including doors, guide rails and ancillary plant and machinery, as well as mechanical air handling/ air conditioning plant and ducted systems, shall be suitably isolated from the structure of the building to minimise transmission of noise and vibration to adjacent dwellings/premises.

Reason: In order to retain effective planning control.

02. That before the hot food take-away hereby approved is brought into use, details of the storage and the collection of waste arising from the development shall be submitted to and approved in writing by the Council. Thereafter, the storage and collection of waste shall be maintained to the satisfaction of the Council as Planning Authority.

Reason: To minimise nuisance, littering and pest problems to nearby occupants.



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Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

12

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1231
Planning proposal:	Erection of 18 flatted dwellings with associated works

1. Summary application information

Application type:	Detailed planning application
Applicant:	East Kilbride Housing Association
Location:	Land 48M North of 5 Bosfield Corner Bosfield Corner East Kilbride South Lanarkshire

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3. Other information

- ◆ Applicant's Agent: MAST Architects
- ◆ Council Area/Ward: 08 East Kilbride Central North
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 2 - Climate change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy 11 - Housing
Policy 13 - Green Network and Greenspace
Policy 15 – Travel and Transport
Policy 16 – Water Environment and Flooding
Policy DM1 - New Development Design

South Lanarkshire Council Residential Development Guide (2011)

◆ **Representation(s):**

▶	15	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads and Transportation Services (Development Management)

Roads and Transportation Services (Flood Risk Management)

Environmental Services

Housing Services

Scottish Water

SEPA

Planning Application Report

1. Application Site

- 1.1 The application site relates to an area of vacant land, which previously contained domestic lockups, at Bosfield Corner, East Kilbride. The site, which measures approximately 0.23 hectares in area, is bounded to the west by Highfield Place, with residential dwellinghouses located opposite, to the north by a residential dwellinghouse, to the south by a residential dwelling which fronts onto Bosfield Corner and to the east by open space and a cycle path. The site is predominantly flat throughout. Vehicular access to the site is currently taken from the south, via Bosfield Corner. The site also contains a link path which connects Bosfield Corner and Highfield Place to the adjacent cycle path to the east of the site.

2. Proposal(s)

- 2.1 Detailed planning permission is sought by East Kilbride Housing Association for the erection of a three storey flatted development comprising 18 flatted dwellings with ancillary facilities, car parking and landscaping/garden provision. All properties are intended for social rent for older people. The applicants advise that the proposed development has been designed to provide flexible accommodation to suit changing needs, and to facilitate the provision of changing levels of care for tenants. The proposed development has been brought forward in partnership with South Lanarkshire Council's Housing Services and would be part-funded by the Council.
- 2.2 The proposals include the relocation of the vehicular access to the site from Bosfield Corner to Highfield Place, with the existing access continuing to serve as a pedestrian access to the development. Road widening of a section of Highfield Place, between Bosfield Corner and Old Coach Road, to improve the vehicular access to the site, is also proposed to be undertaken. In addition, off-street car parking provision for 18 cars is proposed and a replacement path connection to link the site and surrounding residential area to the adjacent cycle path would be put in place to ensure that access to the cycle path would be retained and improved as part of the proposed development of the site.

3. Background

3.1 Local Plan Status

- 3.1.1 In land use terms, the site is identified within the South Lanarkshire Local Development Plan 2 (adopted 2021) as a proposed housing site (Policy 11 – Housing) within the settlement of East Kilbride (Policy 3 – General Urban Areas). In addition to these policy designations, the proposed development is affected by a number of additional policies within the Local Development Plan, as follows:

- ◆ Policy 2 – Climate Change
- ◆ Policy 5 – Development Management and Placemaking
- ◆ Policy 13 – Green Network and Greenspace
- ◆ Policy 15 – Travel and Transport
- ◆ Policy 16 – Water Environment and Flooding
- ◆ Policy DM1 – New Development Design

These policies are further discussed in Section 6 below.

3.2 Relevant Government Advice/Policy

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to

sustainable development. Furthermore, SPP states that the planning system should enable provision of a range of attractive, well-designed, high quality housing that contributes to the creation of successful and sustainable places.

3.3 Planning Background

3.3.1 There is no planning history of relevance to this planning application.

4. Consultation(s)

4.1 **Roads and Transportation Services (Development Management Team)** – following detailed discussions between the applicants, the Planning Service and the Roads Service and further to the subsequent submission of additional details and alterations to include additional car parking provision within the site and road widening works on Highfield Place adjacent to the proposed development site, Roads and Transportation Services have confirmed that they have no objections to the proposals as put forward, subject to compliance with relevant planning conditions.

Response: Noted. Appropriate conditions can be added to any consent granted.

4.2 **Roads and Transportation Services (Flood Risk Management Team)** – advised that they have no objections subject to the applicants satisfying the Council's design criteria and conditions relating to Sustainable Urban Drainage Systems and flood risk.

Response: Noted. Appropriate conditions can be attached to any consent granted.

4.3 **Environmental Services** – offered no objections subject to conditions relating to issues such as waste and dust management on site.

Response: Noted. Appropriate conditions can be added to any consent issued.

4.4 **Housing Services** – confirmed that the site is included in the Strategic Housing Investment Plan (SHIP) as a priority site for Scottish Government affordable housing grant funding approval and noted that all the housing provided on the site will be affordable social rent and will be allocated in accordance with the Homefinder assessment of need to help meet affordable housing need in the area. As such, they confirmed their support for the proposed development.

Response: Noted. A condition would be attached to any consent issued to ensure that the development would be utilised for affordable social rent to help meet affordable housing need in the area.

4.5 **SEPA** – offered no objections to the proposed development.

Response: Noted.

4.6 **Scottish Water** – offered no objections to the proposed development.

Response: Noted.

5. Representation(s)

5.1 Statutory neighbour notification was undertaken and the application was advertised in the local press for neighbour notification purposes and as Development Contrary to the Development Plan. 16 letters of representation were submitted in response, comprising 15 objection letters and one comment letter. The points raised are summarised as follows.

a) **Insufficient parking space is proposed to be provided to serve the development, including visitor parking. This is an area where car parking is already an issue and the proposed development will increase the existing problems in this regard.**

Response: The points raised by the objectors are noted. As part of the drawings originally submitted 15 off street parking spaces were shown to be

provided, which meets the requirement for 0.8 parking spaces per flatted dwelling to be provided for this form of dwellinghouse. However, following further discussions between the applicants, the Planning Service and the Roads Service, in order to seek to maximise the available parking space within the site revised plans were submitted showing the provision of 18 off street parking spaces. This provision exceeds the requirement for this form of development and as such, it is considered that sufficient parking space would be available in respect of the proposed development.

b) The proposed development will cause a loss of light to adjacent properties.

Response: The proposed flatted block is located a significant distance away from almost all other properties in the vicinity of the site and therefore would not have any significant impact on these properties in terms of loss of light. One exception to this is the property at 5 Bosfield Corner, which is located closer to the proposed flatted block. However, as the proposed development would be situated due north of this property, it would not have any adverse impact on the existing dwellinghouse in terms of loss of sunlight or daylight. As such, it is considered that there would not be any significant impact on any nearby property in this regard as a result of the development proposed.

c) The proposed development will cause a loss of privacy to adjacent properties. In particular, proposed upper floor windows will directly overlook existing windows of adjacent dwellinghouses.

Response: The proposed flatted block is located a significant distance away from almost all other properties in the vicinity of the site and therefore would not have any significant impact on these properties in terms of overlooking. One exception to this is the property at 5 Bosfield Corner, which is located closer to the proposed flatted block. In this regard it was noted that upper floor windows of habitable rooms within the proposed development could directly overlook the side windows of this property. Changes were therefore requested to the plans to relocate any windows of habitable rooms where direct overlooking would occur. Revised drawings were provided in this regard showing a number of upper floor windows relocated from the south facing elevation to the east facing elevation to remove any significant direct overlooking impact on this dwellinghouse. Subject to these changes, it is considered that there would be no unacceptable impact on this dwellinghouse or any other nearby dwellinghouse in terms of overlooking issues.

d) The proposed development will cause an increase in noise and anti-social behaviour in the local area, particularly with respect to the proposed relocation of the connecting path from the cycleway onto Highfield Place and the proposed external seating/garden area, which is in close proximity to residential properties.

Response: It is not considered that the provision of social rented flats for older people within this residentially designated area is likely to have any significant impact on the local area in terms of noise or anti-social behaviour issues. With specific regard to the path connection, this has been required in order to maintain and indeed improve on the existing connection to the cycle path that would otherwise be lost as a result of the development. The external seating area proposed relates to the provision of a small, landscaped memorial garden to serve as part of the open space provision for the proposed flatted dwellings. It is not anticipated that this provision will result in any significant anti-social behaviour issues as it is expected that it will be mainly utilised by residents of the proposed flatted dwellings.

- e) **There is insufficient local infrastructure in place to accommodate the proposed development.**

Response: It is noted that this site is located within an established residential area where infrastructure already exists to serve residential uses. In particular it is noted that the site is located in relatively close proximity to local shops and public transport provision. One area where an infrastructure deficiency was noted was in respect to the vehicular access to the site from Old Coach Road, along a section of Highfield Place, which was considered to be of insufficient width to accommodate any increased traffic levels associated with the provision of additional residential dwellings. In order to resolve this issue, the applicants have agreed to undertake improvement works to this section of road to ensure that it is capable of accommodating traffic associated with the proposed development, as well as existing traffic to and from Bosfield Corner and Highfield Place. Any consent issued would be appropriately conditioned to ensure that these improvement works are undertaken. Subject to these improvements there are no further concerns in respect of the development relating to local infrastructure.

- f) **The proposal would involve the development of an area of land designated as priority greenspace.**

Response: It is noted that a section of the application site was designated as Priority Green Space in the South Lanarkshire Local Development Plan 2015. For this reason this application was originally advertised as Development Contrary to the Development Plan at the time of its submission. However, as part of the consideration of the South Lanarkshire Local Development Plan 2, the view was taken that it was not appropriate for this section of ground to be designated as Priority Green Space as it was not considered to make a significant green space contribution that warranted this designation. The designation was therefore removed from this area of ground at that time. The South Lanarkshire Local Development Plan 2 was subsequently adopted in 2021 and superseded the South Lanarkshire Local Development Plan 2015. As such, no part of this site is now designated as Priority Green Space and there would be no development of any Priority Greenspace Areas as part of the proposed development.

- g) **The proposal is for a greater number of units than was originally shown in a previous version of the Strategic Housing Investment Programme (SHIP). Has this been addressed with the Council's Housing Services in respect of funding of the development?**

Response: The Council's Housing Services were consulted as part of the planning consideration of the proposed development. In response they confirmed that the site is included in the Strategic Housing Investment Plan (SHIP) as a priority site for Scottish Government affordable housing grant funding approval and noted that all the housing provided on the site would be affordable social rent and would be allocated in accordance with the Homefinder assessment of need to help meet affordable housing need in the area. As such, they confirmed their support for the proposed development at the scale proposed.

- h) **The proposed development would be out of character with the surrounding area, which predominantly consists of two storey dwellinghouses.**

Response: While it is noted that there are a number of two storey dwellinghouses located in both Highfield Place and Bosfield Corner, there are also a number of three storey flatted developments in existence in the local area, including a flatted block in close proximity to the site adjacent to the junction of Old Coach Road and Highfield Place. As such, it is not considered that the proposed development would appear out of character or context in respect of its surroundings.

- i) **The design of the proposed building is not attractive or in keeping with the local area.**

Response: A design statement has been submitted as part of the proposed development which notes that a simple, stepped design has been chosen in order to minimise the visual appearance of the building so that it will not look out of place in the context of its surroundings. A planning condition would be attached to any consent issued requiring full details of all materials proposed to be used as part of the development to be submitted to and approved by the Council, to ensure that the development would appropriately integrate with its surroundings. Subject to this condition it is considered that the proposed development would be in keeping with its surroundings and appropriately integrate with the existing residential area at this location.

- j) **The proposed development is likely to have an adverse impact on drainage and sewerage systems in the local area.**

Response: No concerns have been raised by SEPA, Scottish Water or the Council's Roads and Flood Risk Management Teams relating to the proposed development, subject to standard conditions that would be attached to any consent issued. There are therefore no concerns of note in this regard in this instance.

- k) **The proposed landscaping scheme for the site should make further provision for biodiversity considerations.**

Response: The inclusion of extensive landscaping as part of the proposed development is to be welcomed and would assist in ensuring that the development suitably integrates with its surroundings and accounts for biodiversity considerations. Appropriate conditions would be attached to any consent issued requiring full landscaping details to be provided in addition to appropriate implementation of the approved landscaping scheme as part of the development of the site. Through these conditions, it can be further ensured that the proposals appropriately account for biodiversity considerations in this regard.

- l) **The access to the site from Old Coach Road and the junctions adjacent to the site are not of a standard to accommodate the proposed increase in use that this development would bring about and present a road safety issue. Off-street car parking should be provided for existing properties to improve the situation along with pedestrian crossings and increased access to bus stops.**

Response: As part of the detailed assessment of the application undertaken it was identified that the vehicular access to the site from Old Coach Road, along a section of Highfield Place, was considered to be of insufficient width to accommodate any increased traffic levels associated with the provision of additional residential dwellings. In order to resolve this issue, the applicants have agreed to undertake improvement works to this section of road to ensure that it is capable of accommodating traffic associated with the proposed development, as well as existing traffic to and from Bosfield Corner and

Highfield Place. Any consent issued would be appropriately conditioned to ensure that these improvement works are undertaken. Subject to these improvements it is not considered that there are any further concerns with regard to the access to the site. The car parking provision associated with the proposed development exceeds the requirements for this form of residential development. It would not be considered reasonable or appropriate to require the developers to provide off street car parking to existing properties in the vicinity of the development site in this case.

m) The proposed bin stores would create odour issues in the local area.

Response: Consultation was undertaken with the Council's Environmental Services as part of the consideration of the proposed development. Environmental Services have advised that they are satisfied with the general refuse management details provided. However, they have requested that a condition is attached to any consent issued requiring full details of the refuse management provisions to be provided prior to the occupation of the proposed flatted dwellings, to fully ensure that there would be no issues in this regard. It has been agreed that this condition would be attached to any consent issued and on this basis there are no concerns with regard to the general refuse management provisions associated with the proposed development.

n) The proposed development will significantly alter the character of the area and have an adverse biodiversity impact. It should be ensured that there is no adverse biodiversity impact as a result of the proposed development.

Response: In general, it is considered that the proposed development will suitably integrate with the surrounding residential area at this location and will not have an adverse impact on the character of the area. With specific regard to biodiversity considerations, extensive landscaping is proposed to be put in place as part of the proposed development. This is to be welcomed and would assist in ensuring that the development suitably integrates with its surroundings and accounts for biodiversity considerations. Appropriate conditions would be attached to any consent issued requiring full landscaping details to be provided in addition to appropriate implementation of the approved landscaping scheme as part of the development of the site. Through these conditions, it would be further ensured that the proposals appropriately account for biodiversity considerations in this regard.

o) The proposed development will cause a loss of view from existing dwellinghouses.

Response: This is not a valid planning consideration.

p) The proposed building works will create disruption locally during the construction phase.

Response: With regard to the management of the construction phase associated with the development it has been agreed that, prior to commencement of works, the developer shall submit a Construction Phase Health and Safety Plan. This shall include timing restrictions on deliveries and a method statement for the prevention of staff parking on the site or on the streets around. The developer shall implement vehicle sharing and shuttle systems as far as practicable within the constraints of social distancing and safe working practices, to the satisfaction of the Council as Roads and Planning Authority. A condition would be attached to any consent issued requiring these details to be fully implemented throughout the construction phase. Additionally, a condition would be attached to any consent issued requiring appropriate road

maintenance to be carried out throughout construction works. In general, an element of disruption is to be expected for a temporary time period as part of any construction project. However, subject to these conditions, it is considered that any disruption would be minimised as far as is practicable in respect of this development.

q) Insufficient consideration and notice to neighbours has been provided in respect of the proposals.

Response: At the time of submission of the planning application, statutory neighbour notification was undertaken and the application was advertised in the local press. Subsequently, following various alterations to the proposals made by the applicants at the request of the Council, re-notification and re-advertisement of the application was carried out. As such, it is considered that extensive notification and consideration has been provided to neighbours in respect of this proposed development.

r) The proposal fails to adhere to the provisions of the development plan, which itself has not been made sufficiently accessible to residents, limiting their ability to respond regarding the proposals.

Response: The provisions of the development plan are made widely publicly available to residents of South Lanarkshire through the Council's website. In addition, assistance is available to stakeholders as required via phone and e-mail contact with officers of the Planning Service. The proposed development itself is considered to be fully compliant with the provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021).

s) As part of the planning application process a meeting requires to be provided to local residents to discuss the proposed development. This has not been offered to date.

Response: There are no such provisions for a meeting to be offered to local residents in respect of a development of this scale as has been suggested by the objector. Statutory neighbour notification has been undertaken in addition to advertisement of the application in the local press. Extensive opportunity has been afforded to interested parties to make representations in respect of the proposals put forward in this instance.

5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

6.1 Planning permission is sought by East Kilbride Housing Association to construct a three storey flatted development comprising 18 flatted dwellings with ancillary facilities, car parking and landscaping/garden provision on a vacant site at Bosfield Corner, East Kilbride. All properties are intended for social rent for older people. The applicants advise that the proposed development has been developed to provide flexible accommodation to suit changing needs, and to facilitate the provision of changing levels of care for tenants. The proposed development has been brought forward in partnership with South Lanarkshire Council's Housing Services and would be part-funded by the Council.

6.2 The proposals include the relocation of the vehicular access to the site from Bosfield Corner to Highfield Place, with the existing access continuing to serve as a pedestrian access to the development. Road widening of a section of Highfield Place, between Bosfield Corner and Old Coach Road, to improve the vehicular access to the site, is also proposed to be undertaken. In addition, off-street car parking provision for 18 cars is proposed and a replacement path connection to link the site and surrounding

residential area to the adjacent cycle path would be put in place to ensure that access to the cycle path would be retained and improved as part of the proposed development of the site.

- 6.3 The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding amenity. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan against which the proposal requires to be assessed is the South Lanarkshire Local Development Plan 2 (adopted 2021).
- 6.4 The Local Development Plan identifies the site, in land use terms, as proposed housing land (Policy 11 – Housing) within the settlement of East Kilbride (Policy 3 – General Urban Areas). It is therefore noted that the principle of housing development on this site is supported by Policies 3 and 11 of the adopted Local Development Plan.
- 6.5 In terms of the detail of the proposal, Policy 5 - Development Management and Placemaking of the adopted plan states that all planning applications should take fully into account the local context and built form, while Policy 2 - Climate Change seeks to ensure that proposed developments, where possible, seek to minimise and mitigate against the effects of climate change. Furthermore, any proposal should not result in significant adverse environmental or amenity impacts. In addition, Policy 15 – Travel and Transport seeks to ensure that the use of sustainable transport modes is incorporated into the design of all new developments. These policies are further reinforced by the provisions of Policy DM1 - New Development Design, while further guidance on design matters is contained in the Council's Residential Development Guide (2011).
- 6.6 In terms of the submitted layout, it is noted that the proposal is for 18 flats over three storeys with associated access, car parking and landscaping works. The proposed development is considered to be appropriate in terms of design and style to the residential area in which it is located. While the surrounding area predominantly comprises two storey dwellings, there are also three storey flatted blocks, including at the junction of Old Coach Road and Highfield Place, diagonally opposite the site. As such, the design or height of the proposed development would not appear out of keeping with its surroundings.
- 6.7 In terms of amenity considerations, it is noted that the siting of the building within the application site has been chosen to minimise the impact on existing dwellings in terms of overlooking or loss of light. However, some concerns were raised by the Planning Service with regard to potential overlooking of the dwellinghouse located directly to the south of the proposed building, and changes to window positions were sought at this location to resolve this issue. Revised drawings were submitted showing the requested changes included in the design and, following these alterations, there are no longer considered to be any overlooking issues from habitable room windows as a result of the development proposed.
- 6.8 The proposals originally included the provision of 15 off-street car parking spaces within the development site. While this provision does meet the requirement of 0.8 parking spaces per unit for socially rented properties, in this case some additional parking space was sought to maximise the parking provision within the site. Revised plans were submitted showing the provision of 18 spaces, one space per proposed dwelling, and this is considered to be acceptable in respect of the proposed development. The Council's Roads and Transportation Services have also confirmed

their satisfaction with the proposed relocation of the access road to the site from the south of the site at Bosfield Corner to the west of the site at Highfield Place.

- 6.9 As part of their assessment of the proposed development, Roads and Transportation Services raised concerns with regard to the suitability of the access road to the site from Old Coach Road, in its current layout, to accommodate the proposed development. Discussions were held with the applicants in this regard and it was agreed that the proposals would be amended to include the widening of a stretch of Highfield Place, between Old Coach Road and Bosfield Corner, to address this issue. Revised drawings were submitted to include this improvement to the proposals and subject to this addition, the Roads Service have confirmed that they are satisfied that the proposals will not have any adverse impact on road safety or other travel and transport considerations.
- 6.10 With regard to the consideration of climate change issues, it is noted that the site is located within an established residential setting, close to local services, bus stops and a cycle path, which is located directly adjacent to the site. In addition, a condition would be attached to any consent issued requiring provision to be made for electric vehicle charging points within the site. As such, it is considered that this site represents a sustainable location that can be developed in a manner that makes a positive contribution in terms of climate change considerations.
- 6.11 In terms of amenity and open space provisions, a landscaped garden is proposed to be provided at the north of the site as well as a small seating area. Extensive planting and landscaping are also proposed to be put in place and as such, it is considered that the proposed development would significantly improve the appearance of the site, relative to its current vacant overgrown condition. The proposed development also includes the provision of a new path connection to the existing cycleway which runs to the east of the site, as the existing connection would require to be removed to facilitate the proposed development. Subject to conditions that would be attached to any consent issued relating to the finishes of the path as well as lighting and bin provision, it is considered that this would significantly improve the access to the cycle path at this location. Given all of the above and following a detailed assessment of the proposals submitted, the view is taken that the proposals represent a significant improvement relative to the existing condition of the site, would not have any significant amenity impact and fully comply with the development management considerations set out in Policies 2, 5, 15 and DM1 as well as in the Council's Residential Development Guide.
- 6.12 In terms of the consideration of the water environment as set out in Policy 16 – Water Environment, it is noted that no objections have been received from the Council's Flood Risk Management team or SEPA in respect of the proposed development, subject to conditions which would be attached to the consent issued. As such, the proposals are considered to be fully compliant with Policies 16. The application site also lies partially within an area designated as forming part of the Green Network, where Policy 13 - Green Network and Greenspace of the Local Development Plan applies. In this regard it is noted that the site presently comprises vacant open space and scrub land which adds little value to the Green Network. It is considered that the proposed development, which includes significant landscaping and planting, as well as the provision of a landscaped memorial garden area, would make a positive overall contribution to the Green Network at this location. In addition, as noted above, an improved path connection to the adjacent cycle route and designated Priority Green Space areas would be provided as part of the proposed development. As such, it is considered that the proposed development would have a positive overall impact on the Green Network and is fully compliant with Policy 13 of the adopted plan.

- 6.13 Following the undertaking of statutory neighbour notification and advertisement of the application in the local press 16 letters of representation were submitted in respect of the proposals, comprising 15 letters of objection and one letter of comment. The matters raised are addressed in Section 5 above. It is not considered that any of the points raised merit the refusal of the application in this case. The application was originally advertised as Development Contrary to the Development Plan at the time of its submission as a section of the application site was designated as Priority Green Space in the South Lanarkshire Local Development Plan 2015. However, as part of the consideration of the South Lanarkshire Local Development Plan 2, the view was taken that it was not appropriate for this section of ground to be designated as Priority Green Space as it was not considered to make a significant green space contribution that warranted this designation. The designation was therefore removed from this area of ground at that time. The South Lanarkshire Local Development Plan 2 was subsequently adopted in 2021 and superseded the South Lanarkshire Local Development Plan 2015. As such, no part of this site is now designated as Priority Green Space and there would be no development of any Priority Greenspace Areas as part of the proposed development.
- 6.14 Taking all of the above into account, it is considered that the detailed proposals brought forward represent a high quality residential development that would assist in satisfying the ongoing demand for social rented properties for older people in the East Kilbride area. Furthermore, it is considered that the proposals would suitably integrate with the existing built environment at this location, would support appropriate and sustainable connectivity to public facilities and would not result in any significant adverse amenity, environmental or other impacts. It is therefore concluded that the proposed development fully complies with the relevant provisions of the South Lanarkshire Local Development Plan 2 (adopted 2021), with specific regard to the provisions of Policies 2, 3, 5, 11, 13, 15, 16 and DM1 and with the Council's Residential Development Guide. It is therefore recommended that planning permission is granted for the proposed development, subject to the attached conditions.

7. Reasons for Decision

- 7.1 The proposal would have no significant adverse impact on amenity, public safety or the local environment and complies with the provisions of Policies 2, 3, 5, 11, 13, 15, 16 and DM1 of the South Lanarkshire Local Development Plan 2 (adopted 2021) and with the Council's Residential Development Guide.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 10 October 2019
- ▶ Neighbour notification letter dated 9 February 2022

►	Consultations	
	Roads Development Management Team	21.12.2020
	Environmental Services	25.10.2019
	Scottish Water	15.10.2019
	SEPA West Region	14.10.2019
	Roads Flood Risk Management	03.12.2019
	Roads Development Management Team	12.11.2021
	Housing Planning Consultations	25.10.2019
►	Representations	Dated:
	Susan, Colin & Craig Campbell, 23 Highfield Place, East Kilbride, Glasgow, South Lanarkshire, G74 4AY	17.10.2019
	Sheena Mayers, 21 Highfield Place, East Kilbride, Glasgow, South Lanarkshire, G74 4AY	20.11.2019
	Mr Andrew Paterson, 17 Highfield Place, East Kilbride, Glasgow, South Lanarkshire, G74 4AY	17.10.2019
	Mr And Mrs S Maclachlan, 6 Bosfield Corner, East Kilbride, Glasgow, South Lanarkshire, G74 4AZ	23.10.2019
	Dr Paula McLeod, 24 Highfield Place, East Kilbride, G74 4AY	12.10.2019
	Alan And Jennifer Morris, By Email	25.10.2019
	Paula McLeod & Robert Keogh, 24 Highfield Place, East Kilbride, G74 4AY	14.10.2019
	Joe Allan, No Address Provided	05.11.2019
	Mr Alan Paton, 8 Bosfield Corner, East Kilbride, Glasgow, South Lanarkshire, G74 4AZ	28.10.2019
	Miss Jacqueline Turner, 3 Lochaber Place, East Kilbride, Glasgow, South Lanarkshire, G74 4BA	13.01.2020
	Sheena Mayers, Sent Via Email	16.07.2021
	Mr John Shaw, 70 Old Coach Road, East Kilbride, G744BN	11.02.2022
	Mrs Catherine McLean, 23, Highfield Place, East Kilbride, G74 4AY	28.02.2022
	Dr Paula McLeod, 24 Highfield Place, East Kilbride, East Kilbride, Glasgow, G74 4AY	12.02.2022
	Mrs Jean Galloway, 79 Old Coach Road, Hassendeanburn, East Kilbride, G74 4AU	21.02.2022

Paula McLeod & Robert Keogh, 24 Highfield Place, East 16.02.2022
Kilbride, G74 4AY

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Declan King, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 455049
Email: declan.king@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority. The development shall thereafter be carried out in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

02. That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

03. That before any of the dwellinghouses situated on the site upon which a fence is to be erected is occupied, the fence or wall for which the permission of the Council as Planning Authority has been obtained under the terms of Condition 2 shall be erected and thereafter maintained to the satisfaction of the Council.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

04. That before any work commences on the site, a scheme of landscaping shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc., including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

05. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

06. That all of the parking spaces shown on drawing 2840-2 L(20)010 Revision C of the approved drawings shall be put in place before the development hereby approved is completed or brought into use.

Reason: To ensure the provision of appropriate car parking to serve the development.

07. That Highfield Place shall be widened in accordance with the details shown on drawing 2840-2 L(20)010 Revision C of the approved drawings prior to the works hereby approved commencing.

Reason: In the interests of road safety and to ensure that the access to the site is capable of accommodating the development hereby approved.

08. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 35 metres measured from the road channel shall be provided on both sides of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

09. That the proposed replacement path to connect Bosfield Corner/Highfield Place to Cycleway NCR 756 shall be put in place before the development hereby approved is completed or brought into use and before the existing connection path within the site is closed from public use and shall adhere to the following specifications:

- ◆ The path shall be lit by SLC street lighting;
- ◆ Rubbish disposal facilities shall be provided along the path;
- ◆ The path shall be a minimum of 3m wide and have a flexible (bitumen) construction to ensure no vertical edges;
- ◆ Signage to direct cyclists to the new path shall be provided;

all to the specification and satisfaction of the Council as Roads and Planning Authority unless otherwise agreed in writing.

Reason: To ensure the continuous provision of a path connecting Bosfield Corner/Highfield Place to the adjacent cycleway.

10. That, before the development hereby approved is completed or brought into use, bollards shall be placed on the footway link from the new car park to Bosfield Corner, to prevent vehicles using this as an entry to / exit from the car park, to the specification and satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road and pedestrian safety.

11. That the new footway to be provided between Bosfield Corner and the new access to the car park on Highfield Place shall adhere to the following specifications:

- ◆ The footway shall be a minimum of 3m wide;
- ◆ The footway shall extend across the site's full frontage onto Highfield Place, with dropped kerbs 6m wide for the car park access;
- ◆ The footway shall be tight to the road, with any grass verge located between the footway and car park;

all to the specification and satisfaction of the Council as Roads and Planning Authority unless otherwise agreed in writing.

Reason: To ensure the provision of a suitable pathway along the frontage of the site.

12. That, prior to commencement of any works on site, a Road Safety Audit to the appropriate stage and specification shall be prepared, with particular reference to the changes to the cycling routes and their interaction with the parked cars and traffic on Highfield Place, to the specification and satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

13. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, other than those shown on the drawings hereby approved as being removed, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

14. That, unless otherwise agreed in writing with the Council as Planning Authority, provision shall be made for electrical charging points within the development for motor vehicles and mobility scooters. Prior to any works commencing on site details of the proposed arrangements shall be submitted and agreed in writing with the Council as Planning Authority. Thereafter the scheme shall be implemented and maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure the provision of appropriate facilities on site.

15. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

16. Details of facilities for the storage of refuse within the proposed development, including the design, location and access for uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwellings shall be occupied until the facilities for the storage of waste have been provided within the proposed development, in accordance with the approved scheme.

Reason: To safeguard the environmental amenity of the area.

17. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To safeguard the environmental amenity of the area.

18. That no development shall commence until drainage and flood risk details to include signed appendices A, B, C, D and E are submitted to and approved in writing by the Planning Authority. The development shall not be occupied until the surface drainage works and any required flood mitigation works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

19. That, before the development hereby approved is completed or brought into use, an appropriate system of site drainage shall be provided to the specification and satisfaction of the Council as Roads and Planning Authority to prevent surface water flowing onto the public road.

Reason: In the interests of road safety.

20. That, during the construction phase associated with the development hereby approved:

- ◆ appropriate cleaning systems shall be put in place within the site to ensure mud and debris is not deposited on the public road.
- ◆ appropriate wheel wash facilities/road cleaning regime shall be provided.
- ◆ all vehicles shall be able to access and exit the site in forward gears, therefore a turning area shall be provided
- ◆ sufficient parking shall be provided within the site boundary to accommodate all site staff / operatives parking requirements.

Before the commencement of works on site full details and plans detailing the above requirements shall be submitted to and approved by the Council as Roads and Planning Authority. Thereafter, the approved details shall be implemented on site to the satisfaction of the Council throughout the construction phase.

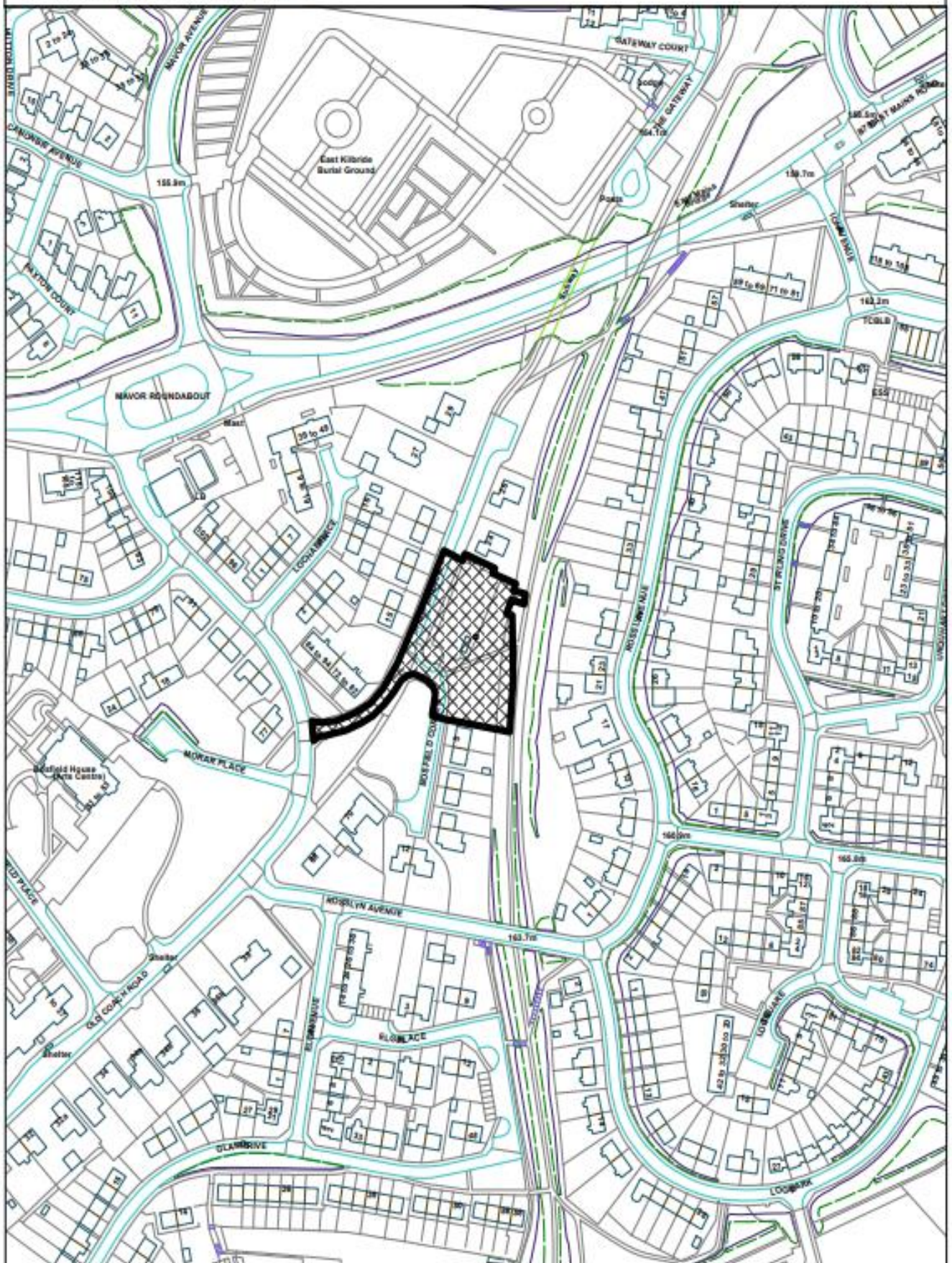
Reason: In the interests of road safety.

21. That, prior to commencing works, the developer shall submit a Construction Phase Health and Safety Plan for approval. This shall include timing restrictions on deliveries, and a method statement for the prevention of staff parking on the site or on the streets around. The developer shall implement vehicle sharing and shuttle systems as far as practicable within the constraints of social distancing and safe working practices, to the satisfaction of the Council as Roads and Planning Authority. The development works shall thereafter be undertaken in accordance with the approved details to the satisfaction of the Council as Roads and Planning Authority.

Reason: In the interests of road safety.

22. That the development hereby approved shall be utilised at all times as affordable social rented housing to help meet affordable housing need in the area, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the appropriate use of the site in accordance with the details submitted for consideration.



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Scale:
1:2,500
Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

13

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0061
Planning proposal:	Siting of caravan for use as welfare unit (non-residential) and the erection of a boundary fence (retrospective)

1 Summary application information

- ◆ Application type: Detailed planning application
- ◆ Applicant: Forestfield
- ◆ Location: Land 140M South of 1 Heather Road
Heather Road
Nemphlar
Lanark
South Lanarkshire

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): SLLDP2: Policy 1 Spatial Strategy
SLLDP2: Policy 2 Climate Change
SLLDP2: Policy 4 Green Belt and Rural Area
SLLDP2: Policy 5 Development Management and Placemaking
SLLDP2: Policy 14 Natural and Historic Environment
SLLDP2: Policy DM1 New Development Design

◆ **Representation(s):**

▶	10	Objection Letters
▶	0	Support Letters
▶	2	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1. Application Site

- 1.1 The application site is located on Heather Road in Nemphlar and extends to 0.23ha in area. It comprises of mostly open field with a tree line to the south. There are a number of ancillary sheds and buildings within the field. The site slopes downwards slightly from its northern boundary to the south. The application site is bounded to the east and west by further agricultural land and to the north and south by residential properties. Nemphlar Road runs along the northern boundary of the site, Hall Road along the eastern boundary and Heather Road to the south.

2. Proposal(s)

- 2.1 The applicant seeks retrospective detailed planning consent for the siting of a caravan for use as a welfare unit (non-residential) and the erection of a boundary fence adjacent to Heather Road. The caravan is being used to provide welfare facilities for an agricultural worker on the land within the application site. It is sited adjacent to the ancillary buildings within the field. The applicant has also widened an existing field access from Heather Road and installed a new fence following removal of a hedgerow.

3. Background

3.1 Local Plan Status

- 3.1.1 The application site does not fall within the settlement boundary of Nemphlar as defined within the approved South Lanarkshire Local Development Plan 2 (SLLDP2) but rather is located within land designated as rural within the SLLDP2. The proposed development therefore requires to be assessed against the following policies:-

- ◆ SLLDP2: Policy 1 Spatial Strategy
- ◆ SLLDP2: Policy 2 Climate Change
- ◆ SLLDP2: Policy 4 Green Belt and Rural Area
- ◆ SLLDP2: Policy 5 Development Management and Placemaking
- ◆ SLLDP2: Policy 14 Natural and Historic Environment
- ◆ SLLDP2: Policy DM1 New Development Design

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy advises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. SPP states that the planning system should be plan-led, with plans being up to-date and relevant. In this instance the South Lanarkshire Local Development Plan 2 was adopted in April 2021 and as such is fully up to date.

3.3 Planning Background

- 3.3.1 The applicant has stated that they were unaware the proposals required an application for planning permission. Once drawn to their attention, the applicant has submitted this retrospective planning application.

4. Consultation(s)

- 4.1 **Roads (Development Management Team)** - The use of the caravan has been identified as a welfare unit for an agricultural worker. This has no adverse impact on the public road network and, as such, this Service would offer no objections to this application. Noted that the field access already existed and therefore the widening of the field access and installation of the fence does not have any additional implications to the road network.

Response: Noted.

4.2 **Environmental Services** – no comments to make.

Response: Noted.

5. Representation(s)

5.1 Statutory neighbour notification and advertisement in the local newspaper was undertaken. A total of 12 representations have been received comprising 10 letters of objection and 2 comments letters.

5.2 The grounds of objection can be summarised as follows:-

a) This caravan has been used as a dwelling.

Response: Enforcement officers have attended the site on several occasions and have not evidenced signs of the structure being used as accommodation. The planning application states that it is solely for providing welfare facilities to agricultural workers and is therefore assessed on this basis. A condition stating that the caravan cannot be used as residential accommodation forms part of the recommendation of approval.

b) There is currently a legal constraint that forbids the applicant from accessing Heather Road

Response: This relates to a private legal matter that is outwith the remit of the Council, as Planning Authority.

c) The caravan brings down the aesthetics of the village.

Response: The design and siting of the caravan is assessed in section 6 below.

d) Road access and on-site parking is not adequate for the site

Response: Roads and Transportation Services (Development Management Team) have no objection to the proposal.

e) The applicant's timeline of events is inaccurate and misleading

Response: This is not a material consideration of a planning application. The planning application and subsequent assessment is based solely on the proposals within the application.

f) Has environmental health reviewed the site and water disposal.

Response: Environment Health were consulted on the application and had no comments to make

g) Are Scottish Water and SEPA aware of the water connection and sewerage disposal being used

Response: In this instance, this would be a private civil matter between the applicant and Scottish Water and/ or SEPA.

h) There are bats present within the trees surrounding the proposals

Response: The proposals do not involve the removal of trees or buildings that may have potential for bat roosts. The welfare unit itself is not a form of building that bats would use.

i) Hedgerow removal during bird nesting season

Response: The hedges were removed prior to the Council's involvement. Any concerns regarding damage to nesting birds are a matter for the Police and would have been required to be reported at the time of the works.

j) **Increased badger activity due to the caravans location adjacent to badger setts**

Response: Badgers and their setts are protected under the Protection of Badgers Act 1992 as amended by the Wildlife and Natural Environment (Scotland) Act 2011. Any activities that could affect badgers or their setts without the appropriate licences being in place are therefore a criminal offence and if evidenced should be reported to Police Scotland and NatureScot to take forward.

k) **Can the caravan be moved around the site**

Response: The planning assessment is based on the caravan in its current position as applied for and it is therefore considered appropriate to condition this location as being fixed and to not allow the caravan to be sited anywhere else within the site. A condition of this nature forms part of the recommendation of approval.

l) **Burning of materials on site**

Response: Whilst burning materials is normally within the remit of Environmental Services and/ or SEPA it is considered that the location of the site adjacent to the settlement of Nemphar results in it being an unsuitable location for the burning of materials and therefore a condition stating that no materials can be burned on site is considered appropriate and forms part of the recommendation.

m) **There was a reported incident regarding the applicant hitting a pedestrian with his vehicle near to this entrance which has been reported to police which is still ongoing.**

Response: This is not a planning matter.

n) **I would also ask that you take into account that the narrow roads around Nemphar are used quite heavily by pedestrians, dog walkers and cyclists. There is a public park for children and a Community Hall all within the vicinity of this junction area.**

Response: Roads and Transportation Services have no objection to the application. The proposal will not generate additional traffic to an extent it would result in road safety issues.

5.3 These letters are available for inspection on the planning portal.

6 **Assessment and Conclusions**

6.1 Section 33 of the Town and Country Planning (Scotland) Act 1997 (as amended) allows a Planning Authority, should they be minded, to grant planning permission to a development including development that has already been carried out (i.e. in retrospect). Therefore, the retrospective nature of this application does not prohibit the Council, as Planning Authority, to carry out a detailed assessment of the planning application as required under Section 25 of the Town and Country Planning Act 1997. Due to the retrospective nature of the application, if it is unsuccessful, the Council may be required to seek enforcement action to remedy the situation.

6.2 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), and the adopted South Lanarkshire Local Development Plan 2021 (SLLDP 2). The GCVSDP is a high level, strategic document and it is considered that

proposals of this scale would not have any strategic implications within the Strategic Development Plan Area. As such there is no detailed assessment of the proposals against this strategic Plan.

- 6.3 SLLDP2 Policy 1: Spatial Strategy sets out the spatial strategy for the plan period. In this instance, the application site is on land designated as Rural within the SLLDP2 and therefore Policy 4: Green Belt and Rural Area is of relevance. SLLDP2 Policy 4 'Green Belt and Rural Area' states that support will not be given for development proposals within the Rural Area, unless they relate to uses which require a countryside location. In this instance, the proposals relate to existing agricultural land and, therefore, it is considered that the siting of the caravan in this specific, rural location can be justified subject to further assessment against development management criteria as below.
- 6.4 Policy 2: Climate Change seeks to minimize and mitigate against the effects of climate change. The proposal avoids areas of medium to high flood risk, has no foundations and therefore no significant adverse impacts on the water and soils environment, air quality, biodiversity, and/or green networks. Therefore, taking into account the scale of the proposed development, it is considered the proposal meets the terms of Policy 2 of the adopted SLLDP2.
- 6.5 Policy 5: Development Management and Placemaking states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within SLLDP2 Policy DM1 New Development Design. Whilst the aesthetic of the caravan is not traditionally rural in nature, it is considered that it is not of a scale that would dominate the surrounding area or create a significant visual impact. The caravan is in a position within the site which minimises its visual impact from public roads and the settlement of Nemphlar. It is located adjacent to existing outbuildings which further screens it from public view. The planning submission shows that it has been partially painted brown which is considered a more appropriate, muted colour than the green it was originally finished in. It is considered that painting the whole caravan in brown would further soften its appearance and be more in keeping with the surrounding landscape. A condition requiring the caravan to be wholly painted in brown forms part of the recommendation. The fencing is considered suitable in an agricultural setting. A condition stating that the caravan must remain in its current situ forms part of the recommendation of approval to ensure it is not re-located to a different part of the site where it may have an increased visual and amenity impact. It is considered that, subject to the aforementioned conditions relating to the external finish and siting of the caravan, the development meets the relevant criteria of the development plan in this instance.
- 6.6 Policy 14: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. The application site is not within a Conservation Area or involves a Listed building or any other historic asset and will therefore have no impact upon the historic environment. In terms of the natural environment, it is noted that hedgerow was removed to widen the existing field access where the fence is now installed. Whilst concerns have been raised regarding the potential of the hedgerow removal being carried out during bird nesting season, this did not need planning permission in its own right. The event and the timing of its removal is therefore not a material consideration to the assessment of this planning application. In terms of the concerns raised regarding bats it is considered that the proposals do not involve the removal of any trees or existing buildings where bats may be present. Concerns regarding badgers have also been raised and again it is considered that the caravan

and fence do not have solid foundations which would have involved any ground works and therefore it is considered that there would not be any significant direct impact upon this protected species. A condition stating that the caravan must remain in its current situ forms part of the recommendation of approval to ensure it is not re-located to a different part of the site that may impinge on protected species. It is therefore considered that the proposals comply with the relevant criteria of the development plan in this instance.

- 6.7 In conclusion, it is considered that the proposed development complies with planning policy and is acceptable. It is therefore recommended that planning permission is therefore granted subject to the conditions within the paper apart below.

7. Reasons for Decision

- 7.1 The proposal will not result in a significant adverse impact on either residential or visual amenity and generally complies with the provisions of Policies 1, 2, 4, 5, 14 and DM1 of the South Lanarkshire Local Development Plan 2. There are no other material considerations that would justify the refusal of planning consent.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 5 March 2021

- ▶ Consultations
 - Roads Development Management Team 12.05.2021

- ▶ Representations Dated:
 - Mr Mark Graham, Forrestfield, Hall Road, Nemphlar, Lanark, ML11 9JE 25.10.2021
 - Mr Ken Snowdon, 1 Heather Road, Nemphlar, Lanark, South Lanarkshire, ML11 9JG 08.03.2021
 - Mrs Ruth Snowdon, 1 Heather Road, Nemphlar, Lanark, ML11 9JG 08.03.2021
 - Mr Ian Hardie, Braigh Croft, 3 Heather Road, Nemphlar, Lanark, ML11 9JG 06.03.2021
 - Miss Ruth Mccafferty, Braigh Croft, 3 Heather Road, Nemphlar, ML11 9JG 06.03.2021

Mr Anthony Rybicki, Heatherstane, 5 Hall Road, Nemphlar Lanark, ML11 9JE	11.03.2021
Miss Liz Rea, 17 Heather Road, Nemphlar, ML11 9JG	06.03.2021
Ruth McCafferty, Received Via Email	22.03.2021
Mrs Mairi Rybicki, Heatherstane, 5 Hall Road, Nemphlar, Lanark, ML11 9JE	11.03.2021
Mr Ian Hardie, Braigh Croft, 3 Heather Road, Nemphlar, Lanark, ML11 9JG	06.03.2021
Mr Ian Hardie, 3 Heather Road, Nemphlar, Lanark, ML11 9JG	11.11.2021
Mr Mark Graham, Forestfield, Hall Road, Nemphlar, ML11 9JE	22.10.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Stuart Connolly, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone:

Email: stuart.connolly@southlanarkshire.gov.uk

Conditions and reasons

01. That the development, hereby approved shall be used solely for the purposes of providing welfare facilities to agricultural workers for the agricultural land associated with the applicant. For the avoidance of doubt the welfare facilities, hereby approved, do not form any residential or overnight accommodation.

Reason: In order to define the terms of the consent.

02. That within one month from the date of this permission, the entire external walls of the welfare unit, hereby approved, shall be painted in brown and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of visual amenity.

03. That the development, hereby approved, is only approved in the position annotated on approved drawing Number SPP2 titled "Site Plan: Proposed" and shall not be relocated to any other part of the application site without the express prior consent of the Council, as Planning Authority.

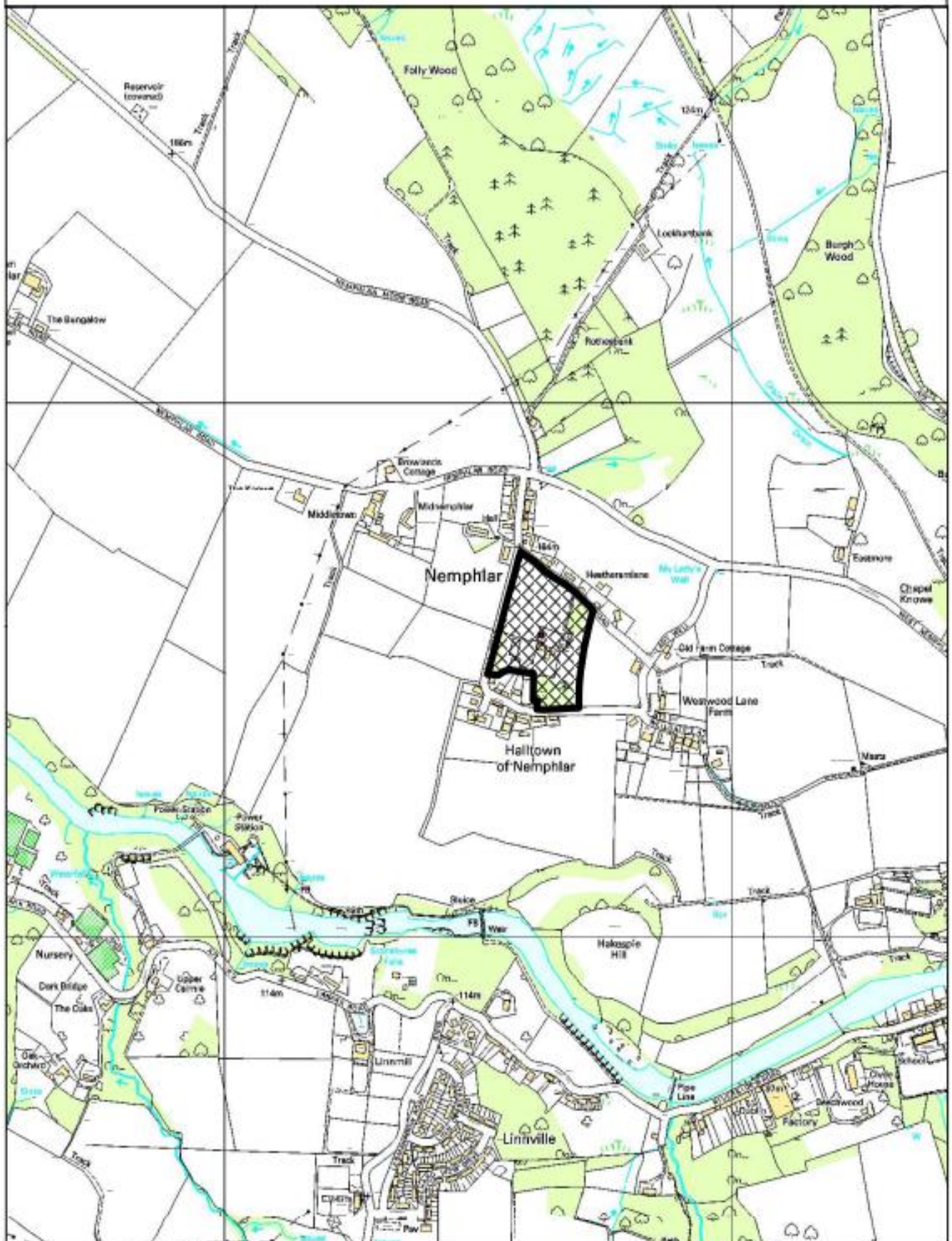
Reason: In the interests of the environment and amenity.

04. That there shall be no burning of materials on the site at any time.

Reason: To minimise any nuisance from smoke, smell and dust and to protect the amenities of neighbouring properties.

P/21/0061

Land 140M South of 1 Heather Road, Nemphlar



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Scale:
1:10,000
Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

14

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0776
Planning proposal:	Formation of 36 house plots

1. Summary application information

Application type:	Detailed planning application
Applicant:	A Early
Location:	Land 130M North of Greenacres Access For Kersewell College From A70 To Kersewell Avenue Carnwath Lanark

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2.1 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) A request for a pre-determination hearing has been made in relation to this application. The request does not accord with the Council's guidance on hearings and has been declined.
- (3) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure that appropriate financial contributions are made at appropriate times during the development towards the following:-
 - Financial contribution towards the provision of affordable housing
 - Financial contribution towards educational facilities
 - Financial contribution towards the upgrade of community facilities

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Section 75 Obligation shall be borne by the applicant

3. Other information

- ◆ Applicant's Agent: Cindy Plant
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): SLDP2: Policy 2 Climate Change
SLDP2: Policy 3 General Urban Areas
SLDP2: Policy 5 Development Management and Placemaking
SLDP2: Policy 7 Community Infrastructure Assessment
SLDP2: Policy 11 Housing
SLDP2: Policy 12 Affordable Housing

◆ Representation(s):

▶	44	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ Consultation(s):

SEPA West Region

Scottish Water

Roads Development Management Team

Roads Flood Risk Management

Community and Enterprise Resources - Play Provision Community Contributions

Education Resources School Modernisation Team

Housing Planning Consultations

West of Scotland Archaeology Service

Environmental Services

Planning Application Report

1. Application Site

- 1.1 The application site consists of an open field 3 hectares in size, situated within the settlement boundary of Kersewell, approximately 3km to the east of Carnwath. The site is accessed from the settlement of Kaimend to the south along a private road, known as Kersewell Avenue, which is over 1km in length. Within the Kersewell Estate there are a number of groups of dwellinghouses of various types and age. The site is generally level and a number of mature trees are located in the field. A Stob and wire fence bounds the site to the south-west and south-east.
- 1.2 A dwellinghouse known as Greenacres lies to the south-west of the site. Kersewell Avenue bounds the site to the south-east with open fields to the north-west and north-east. The field at the north-west of the application site has the benefit of Planning Permission P/19/1250 for 8 dwellings (Amendment to Planning Permission CL/17/0476) – construction work has already started on three of these approved dwellings. Also adjoining the construction site is an area of ground which has been levelled and surfaced and is being used to store material for the adjacent residential development – that area has Planning Permission P/20/0301 for a detached dwelling and a detached garage with accommodation above. A group of dwellinghouses at Finlayson Lane are located to the north-east of the application site, and two dwellings known as Heron Rise and Janefield are located to the north of the site.

2. Proposal(s)

- 2.1 The applicant seeks detailed planning permission to form 36 house plots accessed directly from Kersewell Avenue orientated around an interior spinal road which diverges into three cul-de-sacs linked at the end by interconnecting amenity space. Each plot will be assigned a spacious garden. Three areas of amenity open space would be located in the, northern, north eastern and south eastern areas. One of these open spaces will also contain a Sustainable Urban Drainage system. It is proposed to take vehicular access from Kersewell Avenue at the south eastern corner adjacent to an area of amenity space. Foul drainage will be dealt with by a biodisc treatment system with capacity for 225 people. An outfall pipe connected to the surface drainage would then extend to the nearest watercourse, crossing adjoining fields. Evidence of a wayleave across that land has been provided. Some of the existing trees will be retained and new landscape belts will be established around the edges and some of the rear boundaries of the plots.
- 2.2 As supporting documents, the applicant has submitted a Design and Access Statement, Design and Development Guide, Pre-Application Consultation Report, Road and Drainage Information, Soakaway Calculations and a Flood Risk Assessment.
- 2.3 As the proposal relates to a residential development which falls within the definition of 'major' development, as set out in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the applicant undertook a pre-application consultation prior to the submission of this planning application.

3. Background

3.1 Local Plan Status

- 3.1.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on residential amenity, traffic safety, environmental matters, and infrastructure issues.

3.1.2 In the adopted South Lanarkshire Local Development Plan 2 the site is identified as a housing site and falls within the settlement boundary of Kersewell where the relevant land use Policies are 3 – General Urban Areas and 11 - Housing. In addition, Policies, 2 - Climate Change, 5 - Development Management, 7 – Community Infrastructure Assessment and 12 – Affordable Housing are of relevance to the determination of this application.

3.2 **Relevant Government Advice/Policy**

3.2.1 In terms of residential development, SPP advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or re-development of brownfield land before development takes place on greenfield sites.

3.3 **Planning Background**

3.3.1 Planning Permission in Principle CL/10/0457 for a residential development covering approximately 1.9 hectares of the current application site was granted in April 2011. Planning Permission CL/13/0488 was granted for 36 house plots in February 2014.

3.3.2 Planning permission was granted in September 2007 for the erection of 9 detached dwellings on land to the north-west of the site (CL/07/0205). This was subsequently amended by an application to change the proposal to the creation of 9 house plots (CL/09/0071), which was granted consent in May 2009. A section 42 application CL/14/0187 to vary condition 01 of planning permission CL/09/0071 to extend the period of consent by three years was granted in June 2014. Planning Permission CL/17/0476 for 8 dwellings was granted in March 2018. Planning Permission P/19/1250 for 8 dwellings (Amendment to Planning Permission CL/17/0476) was granted in November 2019 – construction work has already started on three of these approved dwellings. Also adjoining the construction site is an area of ground which has been levelled and surfaced and is being used to store material for the adjacent residential development – that area has Planning Permission P/20/0301, granted May 2021, for a detached dwelling and a detached garage with accommodation above.

3.3.3 There is an extensive planning history of development over the past 20 years or so within the wider Kersewell Estate involving the erection of individual dwellinghouses, the creation of small housing developments and the conversion of Bertram House to flats.

3.3.4 The development is classified as a 'major' development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and was subject to a 12 week period of pre-application consultation including a public exhibition which was held in the Carnwath Town Hall. The event was also advertised in the local press and a PAC report has been submitted with this application in adherence with current regulations. A total of 21 people attended, and 5 responses were received.

4. **Consultation(s)**

4.1 **SEPA** – The consultation falls below the threshold where they would provide bespoke advice therefore reference should be made to SEPA standing advice.

Response: Noted. For the previous planning application SEPA did provide a specific consultation response along with recommended conditions which were attached to the Planning Permission. If Planning Permission is granted for this application these conditions will be re-applied. The applicant proposes discharging treated drainage

and sewerage into the North Medwyn - a separate Controlled Activities Regulations (CARS) licence from SEPA will be required to discharge into any water course.

- 4.2 **Scottish Water** – There is sufficient capacity at the Coulter Water Treatment Works, however, at present capacity at the Kaimend ST2 Waster Water Treatment Works cannot be confirmed. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. According to their records the development proposals may impact upon Scottish Water assets. The applicant should be aware any conflict with assets identified may be subject to restrictions on proximity to construction.

Response: Noted. If permission is granted conditions will be applied requiring confirmation from Scottish Water that the proposed dwellings can be connected into the public water supply. The intention is that surface water will be dealt with by SUDS and then via a culvert to discharge into the North Medwynn, not the combined sewer. Conditions have been attached requiring written confirmation from Scottish Water that the development can be connected into the public water supply and wont impact upon Scottish Water Assets. The applicant is proposing private sewerage treatment and disposal arrangements and therefore will not be connecting into the public sewer.

- 4.3 **Roads and Transportation Services** - no objections subject to conditions covering traffic management, a dilapidation survey, visibility, parking, access, roads standards, traffic calming, wheel washing and road cleaning facilities and staff parking .This is also subject to the upgrading of existing passing places, formation of additional passing places on Kersewell Avenue which should also incorporate pedestrian refuge areas, signage to highlight the presence of pedestrians and a maintenance arrangement to ensure the upkeep of the road.

Response: Should consent be granted, conditions can be attached to cover these matters.

- 4.4 **Flood Unit** – All flooding and drainage related plans and details are considered satisfactory. An appendix E document should be completed and submitted at the earliest opportunity, ideally before the construction phase of the development is complete.

Response: Noted. If consent is granted, a condition shall be attached requiring the installation of the approved drainage scheme prior to the commencement of work on the dwellings and prior to the occupation of any dwellings the submission and approval of appendix E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus.'

- 4.5 **Community Services** - There are several community assets in the area and the majority of them are in need of investment. The aim would be to target the contributions towards existing facilities in the area, in order to obtain the maximum commuted sum, with phasing to be agreed as discussions develop. Regardless of the timings, it is anticipated the requirements for investment to be extensive. Please note that the Council's Grounds Services would not adopt any open space or play areas for future maintenance and, as such, consideration of a factoring arrangement or similar would be required.

Response: If permission is granted a condition would be attached requiring the submission and approval of a play area within the site along with a maintenance schedule. In view of the cumulative impacts of several residential developments upon existing Council services/facilities, a financial contribution to upgrade such facilities is justified in this instance - this requirement will be covered by a section 75 agreement.

- 4.6 **West of Scotland Archaeology Service** – advise that as a large number of remains have been recorded in the wider landscape surrounding the site, they recommend that an archaeological evaluation is carried out prior to consent being issued, however, if that is not feasible the matter should be addressed by condition.
Response: Noted. For the previous Planning Permission CL/13/0488 an archaeological investigation condition was attached and therefore it would seem reasonable in this instance to also address archaeological issues through suspensive condition.
- 4.7 **Education Resources** - no objections subject to the developer providing a financial contribution for education accommodation in the school catchment areas for the site. The money would be directed to St Mary's Primary School, Lanark and nursery provision in the area.
Response: Noted. Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that appropriate financial contributions are made at appropriate times during the development towards education accommodation. The applicant has in principle indicated a willingness to conclude a section 75 obligation. This planning obligation would ensure that sufficient financial contributions are made at appropriate times during the development towards educational provision in the local area.
- 4.8 **Housing Services** – A Section 75 agreement should provide flexibility to deliver 25% affordable housing by way of serviced land with a fall-back position of a commuted sum in the event affordable housing cannot proceed within the timeframe agreed for take up of the option.
Response: Noted. Because of its remoteness from public transport routes, services and shops etc the site is not suitable for affordable housing and therefore a commuted sum to finance affordable housing elsewhere in the housing catchment area would be more appropriate than on site serviced plots.
Planning permission would not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council and the applicants. This planning obligation would ensure that financial contributions are made at appropriate times during the development towards affordable housing.
- 4.9 **Environmental Services** – no objection subject to conditions covering refuse storage and disposal and dust mitigation and informatives on construction noise, pest control, nuisance, and contamination
Response: Noted. These matters can be covered by condition and informatives if consent is granted.
5. **Representation(s)**
- 5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press for Non Notification of Neighbours and Owners, 44 letters of objection and one comment letter have been received. The issues raised are summarised below:-
- a) **Damage to the road caused by construction traffic. Any further construction traffic would most likely render the road unusable.**
Response: If consent is granted a condition will be attached requiring an initial survey of the haul route to identify the current condition prior to construction and any damage to the road attributable to the approved development shall be repaired after completion of the development or every year if construction lasts longer than a year.

b) Disruption caused by construction.

Response: Construction will only be for a temporary period and conditions and informatives to address residential amenity issues will be attached to the Decision Notice in the event that Planning Permission is granted.

c) Any spare space is used for new build homes.

Response: All proposals for residential development are carefully assessed against Local Plan policies and potential environmental impacts

d) Kersewell Avenue and its single track access is not capable of sustaining a housing development of this size. The road is full of potholes and has too few passing places to support more traffic. Excessive deterioration of the road. The entrance to Kersewell Avenue is a blind spot. With an accident record and further traffic flow will simply exacerbate an existing problem. The site is accessed by a mile long single track, unadopted road. It has neither a footpath nor street lighting and it floods periodically, additional traffic will compromise road safety. When construction traffic meets traffic in the opposite direction there is no passing points. There will be a significant increase in traffic generation. Will render the single track road as congested, unsafe for pedestrians and increase risk of collision.

Response: The Council's Roads and Transportation Service were consulted on this proposal and they offer no objections subject to the upgrade of the existing access road (Kersewell Avenue) also incorporating the upgrading of existing passing places and the formation of additional passing places (both to incorporate pedestrian refuges) and the provision of additional signage. If consent is granted, an appropriately worded condition will be attached requiring such improvements.

e) Flooding due to building works disrupting the natural water drainage. Need assurance that the development will not exacerbate drainage issues. Ground is marshy, not highly permeable – septic disposal could cause significant environmental issues. Drainage of the area proposed is currently uncontrolled, leading at times to significant hindrance on Kersewell Avenue. Flood water drains from the field onto the road. The land earmarked for the development is prone to flooding which spills onto the private road, freezes and breaks up the tar. Adding foundations and internal roads would force this water to Findlayson Lane and adversely impact the structure of the road and homes there. The drainage survey activity was limited to the northwest corner which is the highest point diametrically opposite the worst area of the site for water flow and flooding. This was also following a long dry spell during which there had not been flooding from the site.

Response: Following initial concerns further percolation tests were undertaken in a number of locations within the site and soakaway test results were produced. A Flood Risk Assessment has been undertaken that concludes the installation of a formal drainage network and SUDS measures would remove the issues associated with run off from the site flowing onto Kersewell Avenue and the development will not increase the risk of flooding elsewhere. A drainage layout supported by completed appendices: A 'Flood Risk Assessment Compliance Certificate', B 'Flood Risk Assessment Independent Check Certificate' C 'Sustainable Drainage Design Compliance certificate', D 'Sustainable Drainage Design Independent Check Certificate' of the Council's Developer Design Guidance (May 2020) has been submitted. The Flood Unit in their consultation response have confirmed that the proposed drainage layout

is acceptable subject to the submission and approval of appendix E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus' of the Council's Developer Design Guidance (May 2020) prior to the completion of the development. The installation of an approved drainage layout and completion of appendix E can be covered by condition if planning permission is granted. Sewage will be treated by a contained bio disc treatment plant with capacity for 225 residents prior to discharge via an existing culvert.

f) Noise, dust and pollution caused by increased construction traffic.

Response: If planning approval is granted conditions and informatives will be attached covering dust mitigation and construction noise. For a development of this size and scale, pollution is not anticipated to be an issue.

g) The cumulative effects alongside other consented developments should be taken into account. It seems unbelievable that a 3rd large scale development would be considered given issues currently faced with two smaller developments. Already have a large, unfinished building site that seems to have been abandoned in the area. It is an eyesore for all who live here and it does not look like it will be finished anytime soon.

Response: This application has been carefully considered taking account of existing and consented development in the locality. With conditions covering amenity issues, access improvements, traffic management and drainage attached to any decision issued, potential cumulative impacts can be minimised. Other residential development will likely be substantially completed before work starts on this site thereby avoiding potential conflicts. One of these sites is at Bertram House some distance away to the north east. The work on the adjacent construction site has stopped until an outstanding condition relating to the provision of an additional passing place has been discharged – feedback from the developer suggests a satisfactory resolution is achievable thereby enabling construction work to restart.

h) The road should be adopted, and traffic calming measures installed and maintained. Exceeds the normal guidance for quantity of dwellings served by an unadopted road. Road condition needs to be reinstated and upgraded to an adoptable standard and South Lanarkshire Council should adopt the road prior to selling plots for development.

Response: The requirement for the upgrading of Kersewell Avenue to an adoptable standard would require the widening of the road, the creation of footways and the introduction of street lighting. The need for this was a requirement on a previous consent based on traffic levels generated by that proposal, in association with those on previous approvals for residential development at Kersewell, in comparison to those generated when Bertram House was in commercial use. Whilst recognising that requirement set down at that time, it is considered a number of points are worth noting. First, the additional traffic that would be generated by this proposal would not be significant in overall terms and therefore the implementation of works to an adoptable standard would be disproportionate to the scale of the development. Second, the effect would be to suburbanise the area and adversely affect the rural character of the locality. Nonetheless, road safety concerns raised are a material consideration within the context of the existing situation in the locale. Taking this altogether it is considered that on balance a pragmatic, proportionate and more sympathetic approach which does not compromise public safety should now be taken. This would involve selective and deliverable improvements including the upgrading of, and provision of, additional passing places, pedestrian refuges and the introduction of additional signage.

- i) **Consideration should perhaps be given to also adopting the road beyond Heron Rise giving direct access to the A70 without the need to drive down Kersewell Avenue.**
Response: The applicant does not have control or right of access over that section of road.
- j) **Dwellings do not fit the character of the area.**
Response: At this stage the proposal is for house plots without design details and if consent is granted a further application will be necessary to consider the appropriateness of the house types and design.
- k) **The development will have an adverse effect on the rural character. The scale and density of the proposal would diminish the character of the countryside in this locality.**
Response: The site falls within the settlement boundary of Kersewell and is identified in the Local Plan as a housing supply site therefore the acceptability of a residential development has already been established through the local plan process, however, the rural setting and character with surrounding woodland, farmland and river valleys will not be diminished.
- l) **There is no provision for mains sewage and the sewage treatment plant is situated next to an existing dwelling and a road used for local walks.**
Response: The proposed sewage plant will be installed in accordance with current guidance and standards.
- m) **Not all residents have any legal obligation to enter a factoring scheme and as such a factoring scheme could be difficult to enforce proportionally.**
Response: A significant number of existing dwellings are already bound by the terms of a factoring scheme. If consent is granted there will be a requirement for the details of a factoring scheme to be approved by the Council and thereafter the burden of this factoring scheme shall be placed on the title deeds of each of the approved dwellings.
- n) **There is no guarantee the road will be cleared for residents when snow blocks it.**
Response: As in the case of all private accesses the responsibility rests with the owner and associated users.
- o) **Impact upon water pressure.**
Response: Scottish Water have not objected and have confirmed that there is sufficient capacity in their water supply system albeit a formal application direct to them will be necessary to confirm connection.
- p) **Impact upon broadband. Broadband supply is currently excessively slow and intermittent, significantly below government guidelines. With no fibre and limited space at the exchange this would place additional burden on an already insufficient system.**
Response: It is the responsibility of internet providers to ensure adequate connections can be achieved without impact upon local connectivity. Also, in the event of planning approval a condition will be attached which states: 'Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant.'

- q) **No play facilities are planned.**
Response: If planning permission is granted conditions will be attached requiring the approval and installation of a play area to serve the development.
- r) **Significant overlooking and loss of privacy.**
Response: Although this application is only for house plots the indicative house footprints have been outlined. The orientation and position of these indicative dwellings are such that the privacy of neighbouring properties will not be compromised. Any further planning application for house details will have to demonstrate maintenance of privacy standards.
- s) **The density of the development is significantly at odds with the surrounding area. Additional 36 dwellings would fundamentally alter density to the detriment of the surrounding farmland, wildlife and residents. The density of the existing homes is optimal with sufficient garden and spacing with common ground to maintain rural nature. How does one squeeze 36 houses onto a plot that would probably only fit 5; maybe 6 of the existing houses within the proximity of the site.**
Response: The Kersewell Estate has been the subject of several consented applications for small scale housing development. As a result, the Council has identified a settlement boundary for this area in the South Lanarkshire Local Development Plan. This current proposal represents a rounding off development opportunity in a similar manner in terms of scale and density as previous approved layouts. The application site is bounded on three sides by existing or consented residential development and in the context of its surroundings can visually integrate and blend in with the nearby built environment.
- t) **The greenfield site is in countryside beyond any defined settlement boundaries and in a location where there are very limited facilities, amenities, public transport links and employment opportunities. Would be contrary to the government's objective of securing sustainable patterns of development. The development of 36 family homes at Kersewell Avenue would place a heavy and unsustainable reliance on travel by car. Nearest schools, shops, services and medical practice will have to be accessed by car. There are opportunities to develop in more sustainable locations.**
Response: The site falls within the settlement boundary of Kersewell which is within 3km car journey of Carnwath where shops, services, and a medical practice can be accessed. This is not dissimilar to most small settlements which lack a range of services and are reliant on visits to nearby larger settlements. In terms of sustainability there is going to be a move towards electric cars and in recognition of that a condition will be applied requiring electrical car charging points in the event planning permission is granted. Another condition will require renewable energy and carbon reduction technology to be incorporated into the house designs. Further, since COVID restrictions and the practice of home working was established two years ago, a significant proportion of people are continuing to work from home despite the lifting of restrictions and therefore can avoid daily commute journeys.

- u) **Can schools cope with the increase in pupil numbers.**
Response: In their consultation response Education Resources have not raised any objections subject to financial contributions to cover capacity constraints in nursery and denominational primary schooling. The applicant has agreed to pay the requested contribution.
- v) **How will pupils be bussed to school? The existing mini-bus service may be insufficient yet there is no safe turning space on this single track road for a larger bus.**
Response: It is the responsibility of the school authorities to provide transport for school children. If a larger bus is unsuitable then they will make that judgement.
- w) **The opportunity should be taken to install an environmentally communal sewage management system.**
Response: The development will be served by a bio disc sewerage treatment system.
- x) **It is clear from the constant stream of applications for this site the applicant is only trying to get planning application passed with the minimum outlay or work and shows no positive commitment to this community.**
Response: This is the first planning application covering this site since the previous Planning Permission CL/13/0488 for the same proposal was granted in February 2014. The applicant has agreed to contribute financially towards upgrading community facilities in the vicinity.
- y) **Insufficient waste disposal facilities for food and garden waste.**
Response: If permission is granted a condition will be attached requiring the approval of details for waste storage and disposal facilities.
- z) **No mention of 36 dwellings being built prior to purchasing property opposite the site.**
Response: The objector may have bought the property after the previous Planning Permission CL/13/0488 for 36 plots expired in February 2017.
- aa) **No public infrastructure such as street lighting or sewerage.**
Response: In their consultation response Roads and Transportation Services did not highlight a requirement for street lighting. A private sewerage treatment plant is proposed.
- bb) **Strongly urge that South Lanarkshire Council consider redeveloping the derelict buildings that already exist in South Lanarkshire rather than approving new houses. Or if new houses must be built, to consider building in new areas rather than on top of existing properties.**
Response: The identification of this site has been carefully considered through the Local Plan process.
- cc) **Noise and traffic pollution could rise dramatically and the loss of natural habitat for wild animals.**
Response: Noise complaints are dealt with by Environmental Services through separate legislative controls. This is not an air quality zone and due to the low density, open nature of the area surrounded by countryside, traffic fumes can be easily dispersed. Other than some mature trees most of the site

comprises agricultural grazing land not considered to be an optimal habitat for wildlife.

- dd) The site in question is a central location that contributes significantly towards the unique landscape character of Kersewell.**

Response: The proposal represents an appropriate rounding off/infilling of development opportunities at Kersewell, on a site which has been considered suitable for housing through the Local Plan process.

- ee) It has become clear that once permission has been granted, there are no repercussions for when conditions are breached.**

Response: If a breach of condition is brought to the attention of Planning then enforcement action procedures will be initiated.

- ff) Now that the restrictions of COVID 19 are being gradually removed it is requested that any planning meeting to consider this issue is delayed until the public can attend to express their concern.**

Response: Members of the public are only able to address the Committee if attending as representatives at a hearing, however, as stated at paragraph 2.1 on the front page of this report, a request for a pre-determination hearing has been received in relation to this application which has been declined as it does not accord with the Council's guidance on hearings. Meetings of the Committee are livestreamed and the proceedings can be viewed on-line via the Council website.

- gg) Given the location and the road that serves it a line has to be drawn on future development without the most careful consideration.**

Response: Unless the full length of Kersewell Avenue is upgraded to an adoptable standard road it is likely that capacity for additional housing development, beyond consented sites and those identified as housing sites on the Local Plan proposal map, will have been reached.

- hh) Building works can be expected to go on for many years and South Lanarkshire Council Planning permission only requires the developer to repair the damage they caused once they finish building.**

Response: The condition has been revised so that repair work will be required every year if construction work exceeds 1 year.

- ii) South Lanarkshire Council need to reconsider their planning permission conditions.**

Response: Conditions attached to the previous Planning Permission CL/13/0488 have been revised and updated where appropriate whilst conditions have been added to take account of current Local Plan policy/guidance and environmental considerations.

- jj) South Lanarkshire Council needs to work along with residents to carry out a full risk assessment on the safety of this road and a traffic management scheme is put in place which will restrict access to 1 HGV on this farm track at a time.**

Response: The Council is fully aware of the issues relating to traffic movement along Kersewell Avenue through numerous representations received from local residents. Proposed conditions to be attached to a decision if consent is granted have been carefully worded to ensure that safety concerns are satisfactorily addressed. The traffic management condition requires a programme indicating the phasing of construction of development, together with

a Traffic Management Plan indicating the circulation of vehicles and pedestrians and how the road and services will be managed and delivered for the development.

- kk) The majority of residents have purchased their homes for the views and now these views are going to built over.**

Response: The rights to a view are not a relevant planning matter.

- ll) Each plot would have to accommodate and manage parking for the builders and delivery of building supplies.**

Response: If consent is granted a condition will be attached requiring the creation of a parking area for construction traffic within the application site boundary.

- mm) Residents moved here because they wanted to live in a hamlet, not a town. It does not feel right that residents are sold properties and then have that taken away.**

Response: Even with the development of the application site, which is identified as being suitable for housing through the local plan process, Kersewell will still retain the characteristics of a small rural settlement.

- nn) There are a number of mature trees in the area which would require felling to accommodate development. Many of these are a significant age, dead or dying – these trees provide an important habitat for invertebrates, birds and possibly bats.**

Response: There are several individual trees of an advanced maturity, in various isolated locations within the field and were possibly originally planted as a parkland feature associated with Bertram House – these trees are now showing signs of decline. Six trees will be removed to accommodate the development whilst three will be retained. Tree loss will be compensated by proposed tree planting around the site periphery, within amenity space and along the internal access road frontages. Conditions will be attached to protect retained trees. In recognition that the trees earmarked for removal could provide a habitat for wildlife, a condition will be attached stipulating the need for an ecological survey of the trees, prior to their removal, to identify wildlife species affected along with any necessary mitigation measures to minimise impacts or disturbance.

5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

6.2 Under Policy 11 - Housing, the application site is identified as part of the housing land supply in the adopted SLLDP2 proposal's map and is included within the settlement boundary of Kersewell where Policy 3 – General Urban Areas and Settlements advises that residential developments on appropriate sites will generally be acceptable. The residential development of the site positively contributes towards the Council's requirement to maintain a five year effective supply of housing land provision. Furthermore, effective housing land within the settlement of Upper Braidwood meets the aims of Scottish Planning Policy by providing a sufficient and sustainable supply of housing within an existing residential area with access to services nearby. Policy 11 encourages a range of house sizes and types to give greater choice in meeting the needs of the local community whilst recognising demands of the wider housing market

area. Although the application at this stage is for house plots, requiring further applications covering design and house type within each plot allows an opportunity for a reasonable range of styles and housing types. The proposal satisfactorily complies with the aims of Policies 3 – General Urban Areas and settlements and 11 - Housing of the adopted Local Development Plan and therefore the principle of the proposed development is acceptable.

- 6.3 Policy 2 Climate Change seeks to minimise and mitigate against the effects of climate change by considering various criteria including: being sustainably located; reuse of vacant and derelict land; avoidance of flood risk areas; incorporating low and zero carbon generating technologies; opportunities for active travel routes and trips by public transport; electrical vehicle recharging infrastructure and where appropriate connection to heat networks. There is no flooding risk from water courses and surface water flow can be adequately contained by the implementation of the approved drainage plan. A landscaping plan has identified trees to be retained along with additional tree planting. Conditions have been attached requiring the submission and approval of details for low carbon technology and electrical charging points. In consideration, the proposals would not undermine the objectives of policy 2.
- 6.4 Policy 5 - Development Management and Place Making, together with the Development Management and Placemaking Supplementary Guidance supports residential developments where they do not have a significant adverse effect on the amenity of the area. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials, and intensity of use. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion.
- 6.5 Kersewell comprises a series of building groups developed over a period of time. This includes several detached dwellings to the north and south of the site, a housing development completed over ten years ago by Muir Homes and former local authority housing a small distance to the north east. In addition, new housing in association with the conversion of the listed Bertram House has been granted on land to the east of the site while consent also exists for 8 dwellings immediately to the north. The site is bounded on three sides by existing development or that which already has planning consent. The proposed development would therefore consolidate the established development pattern in the locality. This is aided by the existing woodland backdrop to the site which further promotes visual integration and reduces the impact on the rural and landscape character of the surrounding area. In addition, views into the site from the wider area are limited. The site is accessed by an existing private road approximately 1km in length along which is a mixture of clusters of houses of varying age. As a totality these groups are reasonably well contained and do not relate visually to the application site or the existing wider development grouping at Kersewell. The site can accommodate an additional residential development of the scale proposed without affecting the setting or character of these building groups. The development will not appear out of place as it can successfully merge into its background due to the presence of mature trees and building groups centred around Bertram House. The site will face onto the junction with Bertram Avenue where there is a neighbourhood hub. The layout, orientation, amenity provision and landscaping is also satisfactory and the main elevations of houses will front onto the adjacent roads. Visual integration can be further enhanced by landscaping, tree and hedgerow planting along plot and site boundaries. Tall trees and mature woodland to the west and north provide a backdrop enabling a sense of containment. From the Medwin Valley to the south there are open aspects towards the site, however, from that distance the roofscape of the new development with associated landscaping will naturally merge into the mature woodland setting and nearby building groups, singularly dominated by Bertram House

with its backdrop of extensive mixed woodland. The design of the proposed houses do not form part of this application, however, a condition would be added to any consent granted to require a detailed planning brief to be agreed with the Council. This will set parameters on building heights, plot ratios, design details and materials. Roads and Transportation Services have not raised any road safety issues affecting the development of the site subject to several conditions including ones covering improvements to Kersewell Avenue, traffic management, a dilapidation survey and the internal road layout of the development. In addition, no objections have been received from statutory consultees in terms of infrastructure provision and appropriate conditions will be used if consent is granted to cover these matters. In view of the above, it is considered that the proposal would relate satisfactorily to adjacent development, and the character and amenity of the residential area would not be impaired by reason of traffic generation, parking, visual intrusion or physical impact. The proposal is therefore satisfactory in terms of Policy 5 - Development Management and Place Making of the adopted Local Development Plan.

- 6.6 Policy 7 - Community Infrastructure Assessment states that where development proposals would require capital or other works or facilities to enable the development to proceed, financial contributions towards their implementation will be required. These contributions will be appropriately assessed, and developers will be required to ensure transparency in the financial viability of a development. In compliance with this the applicant has agreed to make financial contributions towards education and community facilities. Policy 12 - Affordable Housing states that the Council will expect developers to contribute to meeting affordable housing needs across South Lanarkshire by providing, on sites of 20 units or more, up to 25% of the site's capacity as serviced land for the provision of affordable housing, where there is a proven need. If on-site provision is not a viable option, the Council will consider off-site provision in the same Housing Market Area. The provision of a commuted sum will only be acceptable if on or off site provision cannot be provided in the locale or there are no funding commitments from the Scottish Government. The Council's preference in this case is to seek a commuted sum in lieu of on-site provision and this has been accepted by the applicant.
- 6.7 The proposals represent an appropriate form of residential development for the site, and it is, therefore, recommended that detailed planning consent be granted subject to the conditions listed. However, consent should be withheld until the conclusion of a Section 75 Obligation, or other appropriate agreement, to ensure the submission of the necessary financial contributions.

7. Reasons for Decision

- 7.1 The proposal has no adverse impact on visual or residential amenity and complies with Policies 2, 3, 5, 7, 11 and 12 of the adopted South Lanarkshire Local Development Plan 2.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ CL/10/0457
- ◆ CL/13/0488

List of background papers

▶	Application form	
▶	Application plans	
▶	South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶	Neighbour notification letter dated 5 September 2019	
▶	Consultations	
	SEPA West Region	19.06.2019
	Scottish Water	20.06.2019
	Roads Development Management Team	13.09.2021
	Roads Flood Risk Management	05.07.2019
	Community and Enterprise Resources - Play Provision Community Contributions	04.12.2019
	Education Resources School Modernisation Team	20.11.2019
	Housing Planning Consultations	10.12.2019
	West of Scotland Archaeology Service	01.07.2019
	Environmental Services	
▶	Representations	Dated:
	Mr Steven Shon, 2 Finlayson Lane, Carnwath, Lanark, ML11 8TA	08.07.2019 08.07.2019
	Mark and Elly Newbold, 5 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	24.09.2019 24.09.2019
	Mrs K Lindsay, Woodlea, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath, Lanark, ML11 8LF	07.07.2019 07.07.2019 07.07.2019
	Mrs Lesley Ferguson, Heron Rise, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath Lanark, South Lanarkshire, ML11 8LF	30.06.2019
	Mr George Migklis, Heron Rise, Access For Kersewell College From A70 To Kersewell Avenue, Carnwath Lanark, South Lanarkshire, ML11 8LF	30.06.2019
	Mrs Barbara Harding, 3 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	03.07.2019 03.07.2019
	Mr David Wills, 15 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	14.07.2019 14.07.2019
	Miss L Thompson, Bertram House, Lanark, ML11 8TB	12.05.2021
	Barry Clarke, 18 Bertram House, Bertram Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8TB	25.05.2021
	Mr Elliot Ferguson, Heron Rise, Lanark, ML11 8LF	21.06.2021

Mrs Lesley Ferguson, Heron Rise, Lanark, ML11 8LF	21.06.2021
David Wills, 15 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	18.08.2021
Mrs Georgina Muir, 35 Woodside Crescent, Carnwath, Lanark, South Lanarkshire, ML11 8LD	03.07.2019
Mr Gary Waddell, 1 Bertram Avenue, Carnwath, Lanark, South Lanarkshire, ML11 8TB	03.07.2019
Mr Richard Clay, 5 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	07.07.2019
Emma Lake, 8 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	25.09.2019
Gary and Patricia Waddell, 1 Bertram Avenue, Kaimend, Carnwath, ML11	25.09.2019 25.09.2019
Scott and Lesley Sheridan, 9 Finlayson Lane, Kaimend, Carnwath, ML11 8TA	25.09.2019
David and Helen McMunn, 17 Finlayson Lane, Carnwath, Lanark, ML11 8TA	25.09.2019
Mr Steven Shon, 2 Finlayson Lane, Carnwath, Lanark, South Lanarkshire, ML11 8TA	09.09.2019
Scott and Lesley Sheridan, By Email	24.09.2019
Val and Grant Logan, By Email	24.09.2019
Jenny and David King, By Email	24.09.2019
Sandy and Jo Hutcheson, By Email	24.09.2019
Fiona Wallace and Brian Kerr, Flat 20, Bertram House, Bertram Avenue, Kaimend, Carnwath, ML11 8TB	01.10.2019
Mr Brian Lindsay, Woodlea, Kersewell Avenue, Carnwath, Lanark, ML11 8LF	25.09.2019 25.09.2019
Karen and Murray Flett, 7 Kersewell Terrace, Carnwath, Lanark, South Lanarkshire, ML11 8TL	01.10.2019
Paul and Lynne Walker, 3 Warrack Close, Carnwath, Lanark, South Lanarkshire, ML11 8TD	01.10.2019
Miss Lauren Thompson, 22 Bertram House, Bertram Avenue, Lanark, ML11 8TB	09.09.2020 09.09.2020
Mrs Angela Murray, 1 Kersewell Terrace, Kaimend, ML11 8TL	26.04.2021

Mr Paul Cruickshank, 19 Kersewell Avenue, Kaimend, ML11 8LE	30.05.2021
Mr Christopher Chittock, Fairview, Kersewell Ave, Kaimend Carnwath, ML11 8LB	02.06.2021
Mr David Murray, 1 Kersewell Terrace, Kaimend, Carnwath, ML11 8TL	07.05.2021
Mr Alex Muir, 35 Woodside Crescent, Carnwath, Lanark, ML11 8LD	10.05.2021
Mr David Wills, 15 Finlayson Lane, Kaimend, ML11 8TA	12.05.2021
Mr Gareth Waters, Broomhill Lodge Kersewell Avenue Kaimend, Lanark, ML11 8LF	31.05.2021
Dr Professor Christopher McDermott, Shiloah, Kersewell, ML118LF	27.04.2021
Mrs Claire Hardie, Crarae, Kersewell Avenue, Carnwath, ML11 8LE	30.05.2021
Barbara Harding, Received Via Email	07.05.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

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Email: ian.hamilton@southlanarkshire.gov.uk

Conditions and reasons

01. That further applications shall be submitted to the Council as Planning Authority for the erection of individual dwellinghouses on the plots hereby approved, together with the requisite detailed plans and such plans shall include:-
- (a) Plans, sections and elevations of the proposed building together with the colour and type of materials to be used externally on walls and roof;
 - (b) Sections through the site, existing and proposed ground levels and finished floor levels;
 - (c) Detailed layout of the site as a whole including, where necessary, provision for car parking, details of access and details of all fences, walls, hedges or other boundary treatments; and,
 - (d) Existing trees to be retained and planting to be carried out within the site; and no work on the site shall be commenced until the permission of the Council as Planning Authority has been granted for the proposals, or such other proposals as may be acceptable.

Reason: To ensure that these matters are given full consideration.

02. That no trees within the application site shall be lopped, topped, pollarded or felled, or otherwise affected, without the prior written consent of the Council as Planning Authority.

Reason: In the interests of amenity and to ensure the protection and maintenance of the existing trees within the site.

03. Prior to the commencement of the development hereby approved (including any demolition and all preparatory work), a scheme for the protection of the retained trees and the root system of neighbouring trees which encroach into the application site, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Council as Planning Authority. Specific issues to be dealt with in the TPP and AMS:
- a) Location and installation of services/ utilities/ drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - c) Details of construction within the RPA or that may impact on the retained trees.
 - d) A full specification for the installation of boundary treatment works.
 - e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping
- p) Veteran and ancient tree protection and management.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To ensure that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

04. Prior to the commencement of the development hereby approved, whichever is the sooner; full details of a tree planting scheme to replace trees to be removed to accommodate the development along with additional tree planting within the area shaded green on the Proposed Site Plan (Dr no: PL(00)004 Rev B), shall be submitted to and approved in writing by the Council as Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the tree planting scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To enhance the natural heritage of the area.

05. That the approved tree planting shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following the completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

06. That before any work commences on the site, a scheme of landscaping for the area shaded green on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all trees, shrubs, grass mix, etc. including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;

- (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
- (e) proposals for the initial and future maintenance of the landscaped areas;
- (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

07. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

08. That before any work commences on the site, a scheme for the provision of an equipped play area within the application site shall be submitted to the Council as Planning Authority for written approval and this shall include:
- (a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
 - (b) details of the surface treatment of the play area, including the location and type of safety surface to be installed;
 - (c) details of the fences to be erected around the play area(s); and
 - (d) details of the phasing of these works.

Reason: To ensure the provision of adequate play facilities within the site.

09. That prior to the completion or occupation of the last dwellinghouses within the development, all of the works required for the provision of equipped play area(s) included in the scheme approved under the terms of Condition 08 shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason: To ensure the provision of adequate play facilities within the site.

10. The trees identified for removal shall be surveyed by a qualified ecologist to identify any species of wildlife affected and thereafter submit a survey report containing mitigation measures where required for approval of the Council as Planning Authority prior to any tree works taking place or the commencement of work on the approved development.

Reason: In order to minimise the impact upon wildlife.

11. That no dwellinghouses shall be occupied until the developer provides a written agreement from Scottish Water that the site can be served by a water scheme constructed to the specification and satisfaction of Scottish Water as the Water Authority.

Reason: To ensure that the development is served by a water supply.

12. That the approved drainage scheme shall be completed in accordance with the approved details prior to the commencement of work on any dwellings unless otherwise agreed in writing and prior to the occupation of any dwellings appendix E 'Confirmation of Future Maintenance of Sustainable Drainage Apparatus' of the Council's Developer Design Guidance (May 2020) shall be submitted for approval by the Council as the Planning and Flooding Authority.

Reason: To ensure the timeous provision of a satisfactory drainage scheme.

13. That before any works start on site details of the treatment of foul drainage from the site shall be submitted for the consideration and approval of the Council as Planning Authority in consultation with SEPA. For the avoidance of doubt the scheme shall be capable of dealing with a population of a minimum of 200 persons. In addition, evidence of agreement with adjoining landowners to discharge to the receiving watercourse shall be provided. The approved scheme shall be implemented before any of the dwellinghouses hereby approved are occupied.

Reason: To ensure the provision of a satisfactory sewerage system.

14. That prior to work commencing on site a maintenance management scheme for the sewerage disposal scheme approved under condition 13 shall submitted to and approved by the Council as Planning Authority.

Reason: To ensure appropriate treatment and disposal of sewage effluent and surface water.

15. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertaker's apparatus necessitated by this proposal all at his or her own expense.

Reason: In order to retain effective planning control.

16. That prior to the commencement of development, the applicant shall provide written confirmation from Scottish Water that the development does not affect their assets and if it does the applicant shall submit details for a diversion/relocation scheme approved by Scottish Water and that development shall not commence until the approved diversion/relocation scheme has been satisfactorily implemented.

Reason: To ensure that the development does not impact upon Scottish Water assets.

17. That all areas potentially affected by the proposed development shall be carefully surveyed by a suitably qualified person for badgers. If badgers are found to be in or around the development site, mitigation measures for their protection shall be put in place.

Reason: In order to ensure the protection of badgers.

18. That no permission is granted for the indicative house footprints as outlined on the approved site plan.

Reason: The house details have not been submitted or approved.

19. That no development shall commence on site until the applicant provides written confirmation from SEPA to the Council as Planning Authority that the site can comply with the Water Environment (Controlled Activities) (Scotland) Regulations 2005.
- Reason: To ensure appropriate treatment and disposal of sewage effluent and surface water.
20. That the further application(s) required under the terms of Condition 01, shall make reference to and incorporate the criteria specified within the approved South Lanarkshire Council 'Residential Design Guide'.
- Reason: In the interests of amenity and to ensure that the Council's key residential design standards are met.
21. That before the submission of any planning application for dwellinghouses on any of the plots hereby approved, a Development Brief shall be submitted to, and approved in writing by the Council as Planning Authority.
- Reason: To ensure the future appropriate development of the site.
22. That unless otherwise agreed by the Council as Planning Authority before any development starts on site plans showing the upgrade of the existing access road (Kersewell Avenue) incorporating the upgrading of existing passing places and the formation of additional passing places (both to incorporate pedestrian refuges) and the provision of additional signage shall be submitted for the approval of the Council as Planning Authority. The approved details shall be implemented to the satisfaction of the Council before any of the houses hereby approved are occupied.
- Reason: In the interest of road safety.
23. That before the development hereby approved is completed or brought into use, 1 no. parking space for 1-2-bedroom dwellings, 2 no. parking spaces for 3 bedrooms and for 4 or more bedrooms 3 no parking spaces (all individual parking spaces to be 3.0m x 6.0 modules) shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- Reason: To ensure the provision of adequate parking facilities within the site.
24. Prior to commencement of development on site details of traffic calming measures shall be submitted for the approval of the Council as Planning and Roads Authority.
- Reason: In the interest of road safety.
25. Prior to the commencement of development on site details of grit bin locations shall be submitted for the approval of the Council as Planning and Roads Authority.
- Reason: These details have not been submitted.
26. That prior to any work starting on site, a programme indicating the phasing of construction of development, together with a Traffic Management Plan indicating the circulation of vehicles and pedestrians and how the road and services will be managed and delivered for the development as a whole prior to house construction commencing, shall be submitted to the Council as Planning Authority for approval. The approved details shall be implemented throughout the period of the development of the site.

Reason: In the interests of road safety.

27. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5 metres by 90 metres measured from the road channel shall be provided on both sides at the junction of the access road with Kersewell Avenue and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

28. An area for staff to park during construction should be created within the application site boundary and under no circumstance shall vehicles associated with the construction site park outwith the application site boundary unless otherwise agreed in writing by the Council as Planning and Roads Authority.

Reason: In the interests of road safety and to ensure traffic flow is not disrupted and local residents inconvenienced.

29. Prior to the commencement of development a delivery route shall be submitted and approved by the Council. A road survey shall be undertaken by an independent consultant to establish the condition of the private road and any structures that form Kersewell Avenue. A final road survey shall be undertaken within 1 month of the completion of each dwellinghouse hereby approved or if the construction phase takes longer than one year then a survey of the road condition shall be undertaken every year construction works are undertaken and shall include recommendations in respect of the requirements for any repairs to Kersewell Avenue. Any damage to Kersewell Avenue identified by the independent consultant as being attributable to the construction vehicles or traffic arising from the development hereby approved shall be repaired within three months of the completion of the final dwellinghouse, or every year if construction works exceed 1 year, unless otherwise agreed by the Council as Planning Authority. The initial and final road surveys shall be submitted for the consideration of the Council as Planning Authority.

Reason: In the interest of road safety.

30. That prior to the commencement of work on site written details of a factoring scheme for the future maintenance of Kersewell Avenue, including associated verge, passing places and traffic calming shall be submitted and this scheme shall include a maintenance management schedule, all for the approval of the Council as Roads and Planning Authority. The burden of this factoring scheme shall be placed on the title of each of the dwellings hereby approved.

Reason: To ensure that the additional dwellings contribute to the maintenance of Kersewell Avenue.

31. That unless otherwise agreed by the Council as Planning Authority prior to any planning application being submitted for dwellinghouses on any of the plots, written details of arrangements for the future maintenance of Kersewell Avenue shall be submitted for the approval of the Council as Roads and Planning Authority.

Reason: In the interest of road safety.

32. That before any of the dwellinghouses hereby approved are occupied, a drainage system capable of preventing any flow of water from the site onto any road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of a satisfactory drainage system.

33. The developer shall ensure that any vehicle transporting excavated material on or off the site must be treated by means of adequate wheel washing facilities. The facility will require to be in operation at all times during earth moving operations. The wheel washing facility shall be fully operational prior to works commencing on site. A "clean zone" shall be maintained between the end of the wheel wash facility and the public road. Furthermore the developer shall ensure a road brush motor is made available throughout the construction period to ensure adjacent roads are kept clear of mud and debris.

Reason: In the interests of road safety.

34. That before the development hereby approved is completed or brought into use, the first two metres of the driveways shall be so trapped and finished in hardstanding as to prevent any surface water or deleterious material from running onto or entering the road.

Reason: In the interests of traffic safety and to prevent deleterious material being carried onto the road.

35. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

36. That before any development commences on site, details of facilities for the storage of refuse within the site, including design, location, external finishes and access for its uplift, shall be submitted to and approved in writing by the Council as Planning Authority. No dwelling unit shall be occupied until these facilities have been provided in accordance with the approved scheme or such alternative as may be agreed in writing with the Council as Planning Authority.

Reason: To ensure that adequate refuse arrangements are provided that do not prejudice the enjoyment of future occupiers of the development or neighbouring occupiers of their properties, to ensure that a satisfactory external appearance is achieved and to ensure that appropriate access is available to enable refuse collection.

37. Prior to development commencing on site, a scheme for the control and mitigation of dust shall be submitted to and approved in writing by the Council as Planning Authority. No changes to the approved scheme shall take place unless agreed in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.

Reason: To minimise the risk of nuisance from dust to nearby occupants.

38. Prior to commencement of the development hereby approved, details of measures to facilitate the provision of full fibre broadband to serve the development, including details of appropriate digital infrastructure and a timescale for implementation, shall be submitted to and approved in writing by the Council as Planning Authority, unless otherwise agreed in writing with the applicant. The approved measures shall thereafter be carried out in accordance with the agreed implementation timescale.

Reason: To ensure the provision of digital infrastructure to serve the development.

39. That prior to the commencement of works, details and locations of charging points for electrical cars, at a rate of one charging point per house plot, shall be submitted for the written approval of the Council as Planning Authority. Prior to the completion of the development the approved charging points shall be installed, available for use and thereafter maintained and replaced where necessary to the satisfaction of the Council.

Reason: To ensure facilities for recharging electrical cars are available for the use of the residents.

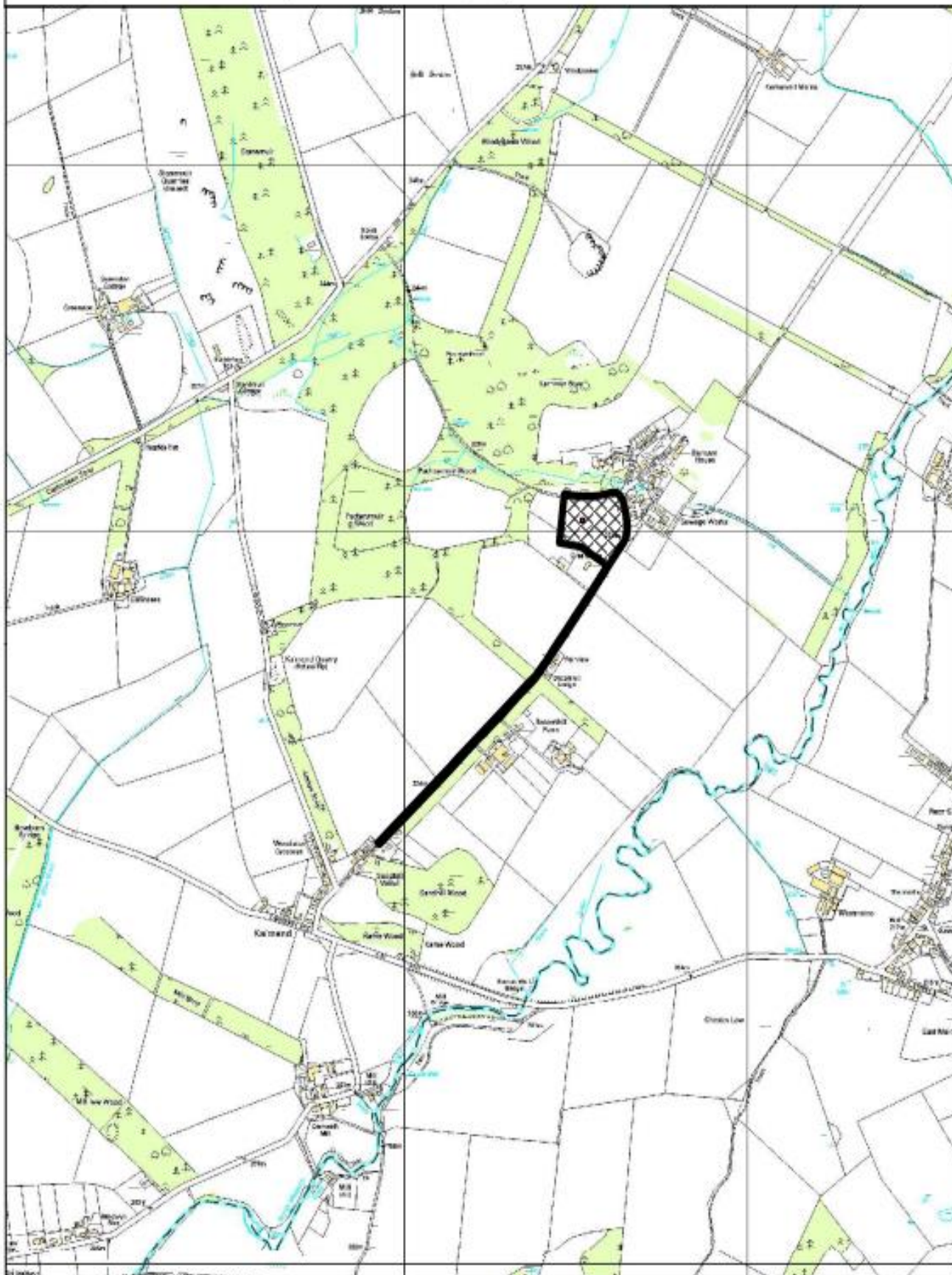
40. Prior to the commencement of development on site, an energy statement covering the new build element of the approved development which demonstrates that on-site zero and low carbon energy technologies contribute at least an extra 10% reduction in CO2 emissions beyond the 2007 building regulations carbon dioxide emissions standard, shall be submitted to and approved in writing by the Council as Planning Authority. The statement shall include:

- a) the total predicted energy requirements and CO2 emissions of the development, clearly illustrating the additional 10% reduction beyond the 2007 building regulations CO2 standard;
- b) a schedule of proposed on-site zero and low carbon energy technologies to be included in the development and their respective energy contributions and carbon savings;
- c) an indication of the location and design of the on-site energy technologies; and
- d) a maintenance programme for the on-site zero and low carbon energy technologies to be incorporated.

Reason: To secure a reduction in carbon dioxide emissions.

41. The approved on-site zero and low carbon energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and shall remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To secure the timeous implementation of on-site zero and low carbon energy technologies.



**SOUTH
LANARKSHIRE**
COUNCIL

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

15

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0056
Planning proposal:	Section 42 application for variation of condition 8 of planning permission P/21/1391 to enable up to 15 dwellinghouses to be occupied prior to the agreed road upgrade scheme being implemented in full

1 Summary application information

Application type:	Further application
Applicant:	Bancon Homes and HJ Paterson
Location:	Land 115M Northwest of 52 Rickard Avenue Rickard Avenue Strathaven South Lanarkshire

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3. Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2021)**
Policy 1 Spatial Strategy
Policy 2 Climate Change
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy 11 Housing
Policy 12 Affordable Housing
Policy 14 Natural and Historic Environment
Policy 15 Travel and Transport
Policy 16 Water Environment and Flooding

◆ **Representation(s):**

▶	164	Objection Letters
▶	1	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Planning and Economic Development Service

Planning Application Report

1. Application Site

- 1.1 The site, which is known as Phases 3 and 4, extends to approximately 8.8 hectares and is part of the larger East Overton Masterplan site of 22.6 hectares. The site is located on the northeast edge of Strathaven. Phase 3 is located west within the masterplan to the north of Phase 2 and the existing East Overton House. It is bounded to the west by surplus Council owned land and to the east by the established Phase 1. Phase 4 is located north within the masterplan. To the north is greenfield land which has been recently zoned for further residential development, known as the East Overton extension area, which would be subject of a separate masterplan in the future. The eastern boundary comprises a length of mature tree belt and beyond to the greenbelt. A section of land to the north of Phase 3 and to the west of Phase 4 is designated for business use within the approved masterplan with access provided from the existing Hamilton Road industrial area.
- 1.2 The application site is irregularly shaped and relatively flat. Vehicular access to these two phases would be taken via the existing infrastructure constructed as part of the earlier phases, linking through to the roundabout on Glassford Road. Phases 3 and 4 are essentially the final private housing phases of the East Overton Masterplan site.
- 1.3 Off-site road works to Berebriggs Road (carriageway widening to permit two way flow along its entire length) is a requirement by the developer of the above site. Berebriggs Road lies to the south of Glassford Road and is currently a steeply sloping and winding single track road with passing places. It connects Glassford Road with Stonehouse Road (A71).

2. Proposal(s)

- 2.1 This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 8 attached to a previous detailed planning approval P/21/1391, granted in December 2021, for a residential development comprising 105 dwellings, MUGA, landscaping and associated infrastructure on the site described under Section 1 of this report.
- 2.2 The relevant planning condition which the applicant seeks to vary in this case is worded as follows:-

Condition 8 - No development shall take place on the site until a scheme, approved in writing by the Planning Authority, for the carriageway widening of Berebriggs Road to permit two-way flow along its entire length has been implemented in full in accordance with the agreed scheme.

Reason: In the interests of traffic and public safety.
- 2.3 The developer (Bancon Homes) proposes to vary Condition 8 so that up to 15 dwellinghouses may be occupied while the agreed upgrade to Berebriggs Road is being implemented in full, unless otherwise agreed in writing with the Planning Authority.
- 2.4 A letter statement from Bancon Homes has been submitted as supporting information.
- 2.5 The developer requests through this Section 42 application that Condition 8 wording is altered to read:-

“No development shall take place on the site until a scheme, approved in writing by the Planning Authority, for the carriageway widening of Berebriggs Road to permit two-way flow along its entire length has commenced. No more than 15 dwellinghouses shall be occupied until the agreed scheme has been implemented in full or unless otherwise agreed in writing with the planning authority”.

3. Background

3.1 Local Plan Status

- 3.1.1 In the adopted South Lanarkshire Local Development Plan 2 (SLDP2) the application site is identified as forming part of the Council’s housing land supply (Policy 12) within the general urban area (Policy 3) and as forming part of the green network and greenspaces area (Policy 13).

3.2 Relevant Government Advice/Policy

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements. The Council must also maintain a five-year supply of effective housing land.

3.3 Planning Background

- 3.3.1 Planning permission in principle (PPP) for the East Overton Residential Masterplan area was granted in December 2014 (EK/12/0003) following Committee approval in March 2012. The PPP contained a condition (Condition 8) which stated:-

“That the introduction of carriageway widening along Berebriggs Road shall be undertaken to permit two-way flow along its length prior to commencing phase 2, 3 or 4 of the development, or otherwise agreed by the Council as Planning Authority.
Reason: In the interests of traffic and public safety.”

- 3.3.2 Phase 2 (37 dwellinghouse proposal) was granted permission under reference P/20/0523. The development of this additional 37 houses brings the total number of units on the Masterplan site to 179.
- 3.3.3 Going forward, there is a requirement to upgrade Berebriggs Road to two carriageway width, along its entire length, once the Masterplan development has been built out to 180 units. Therefore, with any future development phase, there would be a requirement to upgrade Berebriggs Road to permit two way traffic along its full length.
- 3.3.4 The application to which this Section 42 application relates is the third and fourth phase of the East Overton Masterplan area.
- 3.3.5 Detailed planning permission was sought for Phases 3 and 4 which entailed residential development of 105 dwellings, a MUGA and recreational area together with landscaping and associated infrastructure. (P/21/1391). This was duly approved in December 2021 subject to conditions including Condition 8 which requires the implementation of the Berebriggs Road upgrade prior to the commencement of these phases of residential development. The requirement to upgrade Berebriggs Road has been intrinsically linked to the Masterplan development at East Overton from the outset and all parties involved have been fully aware of this road widening requirement to be undertaken as off-site road works.

4. Consultation(s)

- 4.1 **Roads Development Management Team** – offer no objections subject to recommendations. They intimate that the proposed condition is clear that the construction of Berebriggs Road must commence before any works start on the housing development. The developer has advised that they anticipate the works will take approximately 26 weeks to complete and a road closure will be required. The Roads Engineer considers it is unlikely that any dwellings will be occupied before the widening works to Berebriggs Road is completed. They also state that in the unlikely scenario that up to 15 units were occupied, the additional volume of traffic would be insignificant and would only be for a short period of time. In addition, in general, traffic volumes during the morning and evening peaks have reduced since Covid restrictions were introduced and this trend is continuing. They have therefore advised that the slight increase in generated trips will not result in a significant impact. Notwithstanding the above, the Roads Service would recommend that the applicant provides a programme for the widening works to demonstrate that the road closure will be for the shortest duration possible in order to minimise the disruption for local road users. They would also recommend that the definition of starting road works is clearly defined. In respect of the Road Construction Consent (RCC), it has been submitted and is at an advanced stage in the approval process. Finally, they advise that a Road Bond will be required prior to the works commencing on Berebriggs Road. This is to ensure that the Council can complete the widening works should the applicant fail to do so.

Response: Noted. Appropriate conditions regarding the detail and timing of the upgraded Berebriggs Road have been attached.

- 4.2 **Planning and Economic Development Services** - is supportive as this housebuilder is employing significant numbers of people and boosting the South Lanarkshire economy. Failure to progress this application and continue with further phases of the development could cause building work to stall or cease with a loss of local jobs and a detrimental impact on the supply chain.

Response: Noted and agreed.

5. Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was also advertised in the local press as not all neighbours could be identified. One hundred and sixty six letters of representation were received, the points of which are summarised below:-

- a) **It has already been assessed by South Lanarkshire Council that no further development should take place until Berebriggs Road is upgraded. Why would South Lanarkshire Council now agree to phases 3 and 4 being started without this upgrade?**

Response: The applicant has submitted the RCC to the Council's Roads and Transportation Service. This is progressing towards imminent approval. They are committed to undertaking the required Berebriggs Road upgrade works in their entirety. It is considered that permitting a limited degree of flexibility to permit the build programme to continue and to permit the occupation of 15 dwellings is acceptable and would allow the developer build continuity and importantly provide job security for site staff. It should be noted that while the Berebriggs Road upgrade is being undertaken this road would require to be temporarily closed.

- b) **The allowance of 15 further dwellings before upgrading Berebriggs also indicates the purchase of the land adjacent to Berebriggs is not finalised and might possibly never be finalised otherwise these works would go ahead as originally planned.**

Response: It is understood that the purchase of the land transaction is in the process of being finalised.

c) The road is presently unsafe.

Response: It is agreed that the current single track road is sub-standard. The required upgrade works will result in Berebriggs Road accommodating two-way flow traffic along its entire length which is to the benefit of the overall Strathaven community.

d) The upgrade must happen, it is already in poor repair, subsidence at passing places and the treacherous pathway down needs to be improved for links to the main roads in and out of Strathaven.

Response: See c) above.

e) As residents of Overton Gardens we have not received notification of this change restricting the opportunity for local residents to make informed decisions.

Response: Statutory Neighbour Notification procedures were carried out and the proposal was advertised in the local newspaper as not all neighbours could be identified. This gave notice to the wider community.

f) Approval would create a precedent meaning it would be difficult to object to similar proposals.

Response: Each application is considered in its own merits.

g) There is already overdevelopment in the area resulting in significant traffic congestion.

Response: The upgrade of Berebriggs Road to two-way traffic would improve traffic movement within the local area.

h) Failure to hold Bancon to Condition 8 will be a dereliction of Council duties in terms of planning, road safety and the local community's widely held opinion.

Response: The Council recognises the wealth of public interest that this application has generated. The Council has no intention of removing the requirement for the upgrade of Berebriggs Road. However, approval of the variation in the wording of Condition 8 would enable a limited degree of flexibility in the build programme. Notwithstanding, the developer would not be permitted to start Phase 3 prior to the commencement of the works on Berebriggs Road upgrade.

i) Current proposals to bring traffic through the estate rather than open up to Hamilton Road should be strongly reconsidered.

Response: This application is not considering this matter. An opportunity for residents to comment on a future Phase 5 residential development will be available when the developer lodges the planning application in the near future.

j) While temporary improvement to Berebriggs Road by the developer was originally carried out, the road is now in poor condition due to increased traffic, the volume of traffic is not suitable for a single road.

Response: It was a requirement under the approval of the first phase of development at East Overton that some verge widening and passing places be introduced on Berebriggs Road. This was undertaken timeously. The current required upgrade works will result in Berebriggs Road accommodating two-way flow traffic along its entire length which is to the benefit of the overall Strathaven community.

k) Bancon must now show a commitment to upgrading Berebriggs Road.

Response: See a) above.

l) Failure to upgrade Berebriggs Road will mean more traffic diverting through the town centre.

Response: See a) above.

- m) **Berebriggs Road required upgrade on the 180th house. That was the trigger point and that's why South Lanarkshire Council should enforce Condition 8.**

Response: The Council has no intention of removing the requirement for the upgrade of Berebriggs Road. However, approval of the variation in the wording of Condition 8 would enable a limited degree of flexibility in the build programme. Notwithstanding, the developer would not be permitted to start Phase 3 prior to the commencement of the works on Berebriggs Road upgrade.

- n) **The road is in poor condition and floods constantly with running water which forms ice and pot holes.**

Response: The proposed upgrade would resolve these issues with the widening to two lanes and the installation of drainage works.

- o) **The developers have not provided any evidence as to why the planning condition should be relaxed.**

Response: The developer has provided a letter in support of their proposal, the details of which are outlined in Paragraph 6.3 of this report.

- p) **It is surely in the developers' own interests to ensure that this road is safe and suitable for their existing and impending house purchasers.**

Response: Agreed.

- q) **Why will there be no access from the future phases of housing from Hamilton Road? What data drove this decision?**

Response: This matter is not associated with this application. An opportunity for residents to seek answers to the above questions will be available when the detailed planning application for a future Phase 5 housing is lodged in the near future.

- r) **The Council is urged to inspect the road to see that it is in need of urgent repair let alone a full upgrade.**

Response: Berebriggs Road is monitored for repairs as part of the overall public roads network.

- s) **As housing has been constructed on the site, but no works have been carried out on the Berebriggs Road, the applicant is in breach of this planning consent.**

Response: No breach of planning consent has taken place as Bancon has adhered to the agreed position that no more than 180 homes are to be built before the requirement for the upgrade of Berebriggs Rd is triggered.

- t) **No documentation has been uploaded on the Council's portal to justify change to the Council's historic position that no units beyond 180 may be occupied prior to the Berebriggs Road upgrade works being completed. In particular, no documentation has been uploaded that would demonstrate from a traffic and public safety perspective that any number of units beyond 180 can safely come forward.**

Response: The applicant has provided a letter in support of their proposal, the details of which are outlined in Paragraph 6.3 of this report. The applicant has submitted an RCC to the Council's Roads and Transportation Service. This is progressing towards imminent approval. They are committed to undertaking the required Berebriggs Road upgrade works in their entirety. It is considered that permitting a limited degree of flexibility to permit the build programme to continue and to permit the occupation of 15 dwellings is acceptable and would allow the developer build continuity and importantly provide job security for site staff. It should be noted that while the Berebriggs Road upgrade is being undertaken this road would require to be temporarily closed, in any event.

- u) **No missive has been concluded to acquire land rights necessary to enable the widening of Berebriggs Road. As a general observation in this matter, works to widen Berebriggs Road cannot commence until the relevant land rights to do so have been secured.**

Response: While it is agreed that the road upgrade works cannot proceed until the relevant land rights have been secured, the Council understand that such land transactions are progressing towards conclusion.

- v) **It is also noted that in the event of refusal of the Section 42 Application, this has no effect on planning permission P/21/1391. Planning permission P/21/1391 will remain extant and capable of being implemented (subject to compliance with any pre-commencement planning conditions).**

Response: Agreed, however the Council consider it appropriate that a limited degree of flexibility is permitted to enable build continuity to safeguard job losses to site staff.

5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

- 6.1 The applicant, Bancon Homes, has made an application to vary condition 8 attached to previous permission P/21/1391 which granted a detailed planning permission for a residential development of 105 dwellings, MUGA and landscaping and associated infrastructure. In this case the applicant is seeking to vary the said condition to ensure continuity of development by permitting up to 15 dwellings to be occupied prior to the upgrade of Berebriggs Road being completed.
- 6.2 Section 42 of the Town and Country Planning (Scotland) Act, as amended, is clear that the Planning Authority, in determining applications made under this part of the legislation, shall consider only the conditions attached to the original planning permission and subsequent associated permissions in the further application. The original permission EK/12/0003 established the requirement for the road upgrade prior to a certain number of dwellings being constructed/occupied. The application P/21/1391 gave detailed approval for phases 3 and 4 of the residential masterplan development and it is therefore not necessary to revisit this matter when assessing the current proposal.
- 6.3 Bancon Homes is committed to delivering the Berebriggs Road improvements. In this respect the applicant has submitted a Roads Construction Consent (RCC) to the Council's Roads and Transportation Service. This is currently under consideration and making good progress towards being approved. The approval of the RCC would allow the road widening/ upgrade works to commence. As part of this application a supporting statement has been received from the developer outlining the reason for requesting to vary Condition 8. It states that Phase 2 of East Overton is programmed to be complete at the beginning of May 2022. It is anticipated that the works to complete Berebriggs Road could take over 6 months and whilst this is programmed for a Spring start, a six week statutory notification may delay this. These timings would give the Berebriggs Road improvement works a project completion date of around September 2022 at the earliest. These timings result in an over 4 month void period where Bancon Homes will be unable to undertake any works on Phase 3; as the condition does not permit a site start in advance of the works to improve Berebriggs Road being completed. In real terms, this prevents the developer from having continuity to their site build programme. Fundamentally, the developer would have a period of no work for their site staff (of whom at any one time there are up to 60 on-site). This would result in layoffs. This is of concern to the developer and they would wish this to be avoided.

- 6.4 In addition, the developer intimates the occupation of a small number of homes would have a negligible impact on the road. They state that whilst these homes are being completed the road works would be underway and the Berebriggs Road would be temporarily closed at this time in any event.
- 6.5 Furthermore it has been stressed by Bancon Homes that they are committed to delivering the Berebriggs Road improvements and the submission of the RCC and their readiness to see it through to conclusion confirms that commitment. The road works would bring a wider improvement to the local roads network. Agreeing to a variation of the condition 8 would allow for the developer to continue their build programme and importantly provide job security for their site staff.
- 6.6 In light of the advanced status of the RCC which will imminently be approved, the Planning Service considers that it would be prudent to permit a degree of flexibility and to permit the build programme to continue, allowing no more than 15 dwellinghouses to be occupied until the agreed road widening scheme has been implemented in full. The Council's Economic Development Service is supportive of this application as this housebuilder is employing significant numbers of people and boosting the South Lanarkshire economy. Failure to progress this application and continue with further phases of the development could cause building work to stall or cease with a loss of local jobs and a detrimental impact on the supply chain.
- 6.7 Overall the suggested change to condition 8 does not alter the intent or purpose of the original permission and will ensure the continuity of the residential build programme without the risk of job losses. The proposal therefore complies with Policies 1, 2, 3, 5,11,12, 14, 15 and 16. It is therefore recommended that the application is granted.

7. Reasons for Decision

- 7.1 The proposal complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and will ensure the continuity of the residential build programme without the risk of job losses.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous references

- ◆ P/21/1391 – Planning Committee – 14 December 2021

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 26 January 2022
- ▶ Local Newspaper Advert dated 2 February 2022

- ▶ Consultations
 - Roads Development Management Team 15.03.2022
 - Planning and Economic Development Service 15.03.2022

► Representations	Dated:
Mrs Carol Findlay, 3 Henderson Way, Strathaven, ML10 6BJ	09.02.2022
Mr David Campbell, 18 Baron Todd Road, Lauder Gardens, Strathaven, ML10 6GQ	09.02.2022
Mr David Raeside, 17, Henderson way, Strathaven, ML10 6GS	09.02.2022
Mrs Semple MJ, 2 Rutherford Street, Strathaven, ML10 6GJ	09.02.2022
Mr David Crawford, 12 Tukalo Drive, Strathaven, ML10 6UX	09.02.2022
Mr Andy Dawson, 32 Rickard Avenue, Strathaven, ML10 6GW	09.02.2022
Mr Gordon Milne, 11 Rickard Avenue, Strathaven, ML10 6GW	09.02.2022
Mr Dennis Jones, 6 Avenel Crescent, Strathaven, ML10 6JF	09.02.2022
Miss Audrey Meikle, 1 Rutherford Street, Avondale Gardens, Strathaven, ML10 6GJ	09.02.2022
Mr Desmond Wilmot, 3 Ramsay Mews, Strathaven, ML10 6GN	28.01.2022 28.01.2022
Dr Yvonne Vance, 24, Glassford Road, Strathaven, ML10 6LL	15.02.2022
Mrs Anne Dobinson, 44 Rickard Avenue, Strathaven, ML10 6GW	16.02.2022
Mr Jonathan Penny, 10 Glassford Road, Strathaven, ML10 6LL	15.02.2022
Mrs Elaine Neilan, 29 Orchard Gardens, Strathaven, ML10 6UN	16.02.2022
Mr Robert Nimmo, 6 Avondale Meadows, Floors Farm, Stonehouse Road, Strathaven, ML10 6TA	11.02.2022
Mr Colin Kennedy, 12 Neilly Place, Strathaven, ML10 6YW	14.02.2022
Mrs Ann Ogilvie, 4, Turnbull Way, Strathaven, ML10 6UZ	12.02.2022
Mr Stewart Laing, 6 Turnbull Way, Strathaven, ML10 6UZ	12.02.2022
Mrs Alison Harley, 15 Fleming Boulevard, Strathaven, ML10 6GU	14.02.2022
Mrs Hayley Gill, 11 Chestnut Walk, Strathaven, ML10 6GY	15.02.2022

Mr Mark Chillingworth, 19 Crosskirk Crescent, Strathaven, ML10 6FG	15.02.2022
Mr Mervyn McMullan, 2 Cherrytree Place, Strathaven, ML10 6JG	15.02.2022
Mrs Fiona Speirs, 2 George Allan Place, Strathaven, ML10 6EH	16.02.2022
Mr Andrew Evans, 6 Menzies Way, Overton Gardens, Strathaven, ML10 6YU	15.02.2022
Ms C Taylor, 38, Hamilton Road, Strathaven, ML10 6JA	16.02.2022
Mrs Aisling Charnley, 22 Rees Way, Lauder Gardens, Strathaven ML10 6GR	09.02.2022
Mr Robin Kerr, 21 Chestnut Walk, Strathaven, ML10 6GY	09.02.2022
Mr Iain MacGregor, 20 Glassford Road, Strathaven, ML10 6LL	10.02.2022
Miss Carolanne Kerr, Floors Farm, Stonehouse Road, Strathaven, ML10 6TA	10.02.2022
Mr Jonathan Kyle, 4 Neilly Place, Strathaven, ML10 6YW	09.02.2022
Mr Karen Chalmers, 16 Rickard Avenue, Strathaven, ML10 6GW	09.02.2022
Mrs Bernadette Steel, 5 Rickard Avenue, Strathaven, ML10 6GW	11.02.2022
Mr James J Costello, Middlefield, 40B Hamilton Road, Strathaven, ML10 6JA	10.02.2022
Miss Julie Brownlee, 10 Greystone Place, Strathaven, ML10 6NZ	10.02.2022
Mr Iain MacGregor, 20 Glassford Road, Strathaven, ML10 6LL	10.02.2022
Mr Ian Campbell, 6 Baron Todd Road, Strathaven, ML10 6GQ	11.02.2022
Mr Donald McCallum, 3 Crosskirk Crescent, Strathaven, ML10 6FG	15.02.2022
Mr Craig Smith, 4 Overton Park, Strathaven, ML10 6UW	12.02.2022
Mr William Kerr, 4 Neidpath Place, Strathaven, ML10 6JE	18.02.2022
Mr Euan Cumming, 3 Fleming Boulevard, Strathaven, ML10 6GU	09.02.2022

Mr Leonardo Pettorelli, Hills Road, Strathaven, ML10 6LQ	10.02.2022
Mrs Margot Macsween, 6 Flemington Court, Strathaven, ML106FL	11.02.2022
Mrs Lisa Paton, 4 Rees Way, Strathaven, ML10 6GR	11.02.2022
Mrs Kay Hendry, 3 Flemington Court, Strathaven, ML10 6FL	15.02.2022
Mr Chris Baillie, 15, Overton Road, Strathaven, ML10 6JW	15.02.2022
Mr Paul Sclater, 11 Stanholm Road, Strathaven, ML10 6JH	15.02.2022
Mrs Dorothy Read, 37 Rickard Avenue, Strathaven, ML10 6GW	13.02.2022
Mr Peter Williams, 36, Commercial Road, Strathaven, ML10 6LX	15.02.2022
Miss Karen Kelly, 1 Dunavon Avenue, Strathaven, ML10 6GZ	15.02.2022
Mr Ian Valentine, 9 Barbush Place, Strathaven, ML10 6JQ	15.02.2022
Mr Joe Mccrory, 12 Orchard Gardens, Strathaven, ML10 6UN	16.02.2022
Mrs Tracy Campbell, 3 Greystone Close, Strathaven, ML10 6FW	12.02.2022
Miss Claire O'Neill, 2 Watsons Close, Strathaven, ML10 6YZ	12.02.2022
Mr Donald Nicolson, 24 Hills Road, Strathaven, ML10 6LQ	14.02.2022
Mrs Pamela Waugh, 2 Boyd Orr Mews, Strathaven, ML10 6GT	09.02.2022
Mr Craig Coid, 47 Rickard Ave, Strathaven, ML10 6GW	09.02.2022
Mr Alaster Chalmers, 4, Avenel Crescent, Strathaven, ML10 6JF	15.02.2022
Ms Barbara Simpson, 20 Glassford Road, Strathaven, ML10 6LL	10.02.2022
Mrs Sarah Lipowski, 8 Greystone Gardens, Strathaven, ML10 6FT	10.02.2022
Mrs Christine Smith, 11 Flemington Avenue, Strathaven, ML10 6FJ	13.02.2022
Mr James Buchanan, 29, Glassford road, Strathaven, ML10 6LL	10.02.2022
Mr John Hamilton, 17, Orchard Gdns, Strathaven, ML106UN	15.02.2022
Mrs Liza Linton, 10 Cameron Drive, Strathaven, ML10 6ED	18.02.2022

Mr Craig Davidson, 7 Greystone Place, Strathaven, ML10 6NZ	16.02.2022
Mr Ian Baird, 18 Tukalo Drive, Strathaven, ML10 6UX	16.02.2022
Mr Albert Brownlee, 15 Golf View, Strathaven, ML10 6AZ	16.02.2022
Mr Paul Minns, 7, Cherrytree Place, Strathaven, ML10 6JG	16.02.2022
Mr James Brunton, 11 Hunterlees Gardens, Glassford, Strathaven, ML10 6GE	16.02.2022
Mr George Walters, 38 Commercial Road, Strathaven, ML10 6LX	16.02.2022
Joan Callander, By Email	21.02.2022
Mrs Janice Baird, 54 Overton Road, Strathaven, ML10 6JP	10.02.2022
Mrs Helen Baird, 18 Tukalo Drive, Strathaven, ML10 6UX	16.02.2022
Mr Gavin Lindsay, 1 Laureate Grove, Strathaven, ML10 6FU	10.02.2022
Mrs Kirsty Fawbert, 6 Rees way, Strathaven, ML10 6gr	15.02.2022
Mr Douglas Kay, 21 Turnbull Way, The Paddock, Strathaven, ML10 6UZ	14.02.2022
Mr John Syme, 6 Dunavon Park, Strathaven, ML10 6LP	10.02.2022
Mr James Bowie, 7 Dunavon Park, Strathaven, ML10 6LP	15.02.2022
Mr Alan Mulholland, 11 Eaglesfield Crescent, Strathaven ML10 6HY	09.02.2022
Mr Martin Hill, 1 Turnbull Way, Strathaven, ML10 6UZ	12.02.2022
Mrs Elaine Bell, 15 Cherrytree Place, Strathaven, ML10 6JG	15.02.2022
Mr Christopher Willmott, Netherfield Lodge, Stonehouse Road, Strathaven,, ML10 6TA	10.02.2022
Mr Martin Wright, 20 Heald's Drive, Strathaven, ML10 6XL	09.02.2022
Mr William McKinlay, 15, Avenel Crescent, Strathaven, ML10 6JF	09.02.2022
Mrs Kirsty McKay, 4 Boyd Orr Mews, Strathaven, ML10 6GT	09.02.2022
Mr Scott McKay, 4 Boyd Orr Mews, Strathaven, ML10 6GT	09.02.2022
Mr Ross McGill, 8 Baron Todd Road, Strathaven, Lanarkshire, ML10 6GQ	11.02.2022

Ms Alison Wilmot, 3 Ramsay Mews, Strathaven, ML10 6GN	12.02.2022
Ms Maureen Kinloch, 3 Woodhill Road, Strathaven, ML10 6NX	16.02.2022
Mrs Johanne Raeside, 17 Henderson Way, Strathaven, ML10 6GS	16.02.2022
Mr Paul Cox, 22 Glassford Road, Strathaven, ML10 6LL	11.02.2022
Ms Amanda Minns, 7 Cherrytree Place, Strathaven, ML10 6JG	11.02.2022
Mr Colin Atherton, 42 Rickard Avenue, Strathaven, ML10 6GW	11.02.2022
Mr Adrian Wood, 4 Flemington Court, Strathaven, ML10 6FL	12.02.2022
Mrs Kara Thomson, 8 Fleming Boulevard, Strathaven, Strathaven, ML10 6GU	13.02.2022
Mr Martin Low, 6 Flemington Avenue, Strathaven, Strathaven, ML10 6FJ	10.02.2022
Mr George Burns, 16 Greystone Place, Strathaven, ML10 6NZ	10.02.2022
Miss Vicki McGaw, 3 Rickard Avenue, Strathaven, ML10 6GW	11.02.2022
Mr Nicholas Bather, 1 Beechwood Court, Strathaven, ML10 6NY	11.02.2022
Mr Nicholas Lavin, 40, Rickard Avenue, Strathaven, ML10 6GW	12.02.2022
Mr Charlie Watt, 12 Turnbull Way, Strathaven, ML10 6UZ	12.02.2022
Mr Anthony Neilan, 29 Orchard Gardens, Strathaven, ML10 6UN	16.02.2022
Mr George Scott, 14 Chestnut Walk, Strathaven, ML10 6GY	16.02.2022
Mr Ian Lucas, 23 Glassford road, Strathaven, ML10 6LL	11.02.2022
Mr Richard Harley, 15 Fleming Boulevard, Strathaven, ML10 6GU	14.02.2022
Mrs Emma MacDonald, 14 Dunavon Park, Strathaven, ML10 6LP	15.02.2022
Mrs Angela Robertson, 8 Neidpath Place, Strathaven, ML10 6JE	15.02.2022
Dr Cathy Lenaghan, 14 Rickard Ave, Strathaven, ML10 6GW	09.02.2022

Mr Gordon Forbes, 1 Henderson Way, Strathaven, ML10 6GS	09.02.2022
Mr Alan Mulholland, 11 Eaglesfield Crescent, Eaglesfield Crescent, Strathaven, ML10 6HY	09.02.2022
Mr Stuart McDowell, 8 Greystone Place, Strathaven, ML10 6NZ	10.02.2022
Mrs Laura Ford, 7 Greystone Close, Strathaven, ML10 6FW	10.02.2022
Mr Gavin Johnston, 20 Hamilton Road, Strathaven, ML10 6JA	10.02.2022
Mr Russel Winship, 29 Hamilton Road, Strathaven, ML10 6JA	14.02.2022
Ms Suzanne Robertson, 1 Laureate Grove, Strathaven, ML10 6FU	09.02.2022
Mr Greg Miller, 8 Boyd Orr Mews, Strathaven, ML10 6GT	09.02.2022
Mrs Lyndsey Shankland, 17 Rickard Avenue, Strathave, ML10 6GW	12.02.2022
Mr Harry Read, 37 Rickard Avenue, Strathaven, ML10 6GW	14.02.2022
Mrs Fiona Hendry, 5 Hamilton Road, Strathaven, ML10 6JA	14.02.2022
Mr David MacDonald, 14, Dunavon Park, Strathaven, ML10 6LP	15.02.2022
Mr Chris Kelso, 1 Dunavon Avenue, Strathaven, ML10 6GZ	15.02.2022
Ms Leanne Johnstone, 11 Greystone Close, Strathaven, South Lanarkshire, ML10 6FW	15.02.2022
Mrs Margaret Baillie, 15, Overton Road, Strathaven, ML10 6JW	15.02.2022
Mr John Quinn, 4, Staneholm Road, Strathaven, ML10 6JH	15.02.2022
Dr James Thomson, 8 Avenel Crescent, Strathaven, ML10 6JF	15.02.2022
Mrs Aileen Stewart, 6 Greystone Close, Strathaven, ML10 6FW	10.02.2022
Mrs Erin Davies, 21 Henderson Way, Strathaven, MI10 6GS	12.02.2022
Mr Peter Todd, Strathfire Designs, 16 Ravenswood Road, Strathaven, ML10 6JB	12.02.2022
Mr Kevin O'Donnell, 9 Staneholm Road, Strathaven, ML10 6JH	13.02.2022

Mrs Jennifer Jones, 4 Pierowall Court, Strathaven, ML10 6FR	13.02.2022
Mr David Canavan, 4 Aspen Place, Strathaven, ML10 6PY	13.02.2022
Mr Peter Smith, 11 Flemington Avenue, Strathaven, ML10 6FJ	13.02.2022
Mrs Elizabeth Nicolson, 24 Hills Road, Strathaven, ML10 6LQ	14.02.2022
Mr Stan Hogarth, 11 Young Street, Young Street, Strathaven, ML10 6LH	13.02.2022
Mrs Margaret Wilson, 6 Ravenswood Road, Strathaven, Strathaven, ML10 6JB	15.02.2022
Mr Alan Mathieson, 9 Overton Road, Strathaven, ML10 6JW	15.02.2022
Mrs Joanna Wood, 23 Chestnut Walk, Strathaven, ML10 6GY	15.02.2022
Mr Alex Blair, 15 Staneholm Road, Strathaven, ML10 6JH	15.02.2022
Mr David Miller, 6Cherrytree Place, Strathaven, ML10 6JG	15.02.2022
Mrs Caroline Temisanren, 1 Dunavon Park, Strathaven, ML10 6LP	15.02.2022
Dr Garrick Osbourne, 1 Avenel Crescent, Strathaven, ML10 6JF	15.02.2022
Mrs Sarah MacDonald, 26 Orchard Gardens, Strathaven, MI10 6UN	15.02.2022
Mr Andrew Webb, 3 Fleming Boulevard, Strathaven, ML10 6GU	09.02.2022
Mr Gerry Wilson, 2 Pinewood Walk, Strathaven, ML10 6UL	15.02.2022
Mr Gordon Alexander, 2 Fortrose Gardens, Strathaven ML10 6FH, Strathaven, ML10 6FH	15.02.2022
Miss Fiona Robertson, 8 Neidpath Place, Strathaven, ML10 6JE	15.02.2022 15.02.2022
Mrs Elizabeth Horton, 10 Turnbull Way, Strathaven, MI10 6UZ	13.02.2022
Chris Willmott, By Email	14.02.2022
Mr Stuart Rae, 30 Glassford Road, Strathaven, ML106LL	14.02.2022
Mrs Lindsay MacGregor, 45, Commercial Road, Strathaven, ML106LX	15.02.2022
Mr William King, 25 Orchard Gardens, Strathaven, MI106un	15.02.2022

Mr Jonathan Wood, 23 Chestnut Walk, Strathaven, ML10 6GY	15.02.2022
Ms Carla Salveta, 34 Rickard Avenue, Strathaven, South Lanarkshire, ML10 6GW	15.02.2022
Mrs Claire Mackie, 7 North Street, Strathaven, ML10 6JL	16.02.2022
Mrs Lesley Wilson, 14 Chestnut Walk, Strathaven, G12 9JY	16.02.2022
Mr Euan Chalmers, 16 Rickard Avenue, Strathaven, ML10 6GW	10.02.2022
Miss Emma Letham, 21 Baron Todd Road, Strathaven, ML10 6GQ	09.02.2022
Mrs Lorraine King, 25 Orchard Gardens, Strathaven, ML10 6UN	15.02.2022
Mr Douglas Ballantyne, 17, Fleming Boulevard, Strathaven, ML10 6GU	16.02.2022
Mr Andrew Watson, 8 Golf View, Strathaven, ML10 6AZ	15.02.2022
Dr James Dale, 9 Rickard Avenue, Strathaven, ML10 6GW	16.02.2022
Mrs Margaret Gilmour, 35 Glassford Road, Strathaven, ML10 6LL	16.02.2022
Mr Ian Allan, 8 Staneholm Road, Strathaven, ML10 6JH	15.02.2022
Mr Harry Menzies, 14 Young Street, Strathaven, ML10 6LH	11.02.2022
Mr Eric Rice, 1, Neidpath Place, Strathaven, ML10 6JE	15.02.2022
Mrs Kim Gordon, 28, Crosskirk Crescent, Strathaven, ML10 6FG	15.02.2022

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455043

Email: maud.mcintyre@southlanarkshire.gov.uk

Conditions and reasons

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

02. That before the dwellinghouses hereby approved are completed or brought into use, a private vehicular access or driveway of at least 6m metres in length shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: In the interests of traffic and public safety.

03. That the driveway dimensions shall be detailed as per the National Roads Development Guide, 3m x 6m for each parking space. These dimensions exclude pedestrian access. To allow a garage to count as a space it will require to meet the minimum dimensions as per the National Roads Development Guide, an internal minimum size of 3m x 7m, unless otherwise agreed.

Reason: To ensure adequate on-curtilage parking is provided.

04. That a suitable system of site drainage shall be required to prevent surface water flowing onto the public road, details of which shall be submitted for consideration and approval to the Council as Planning and Roads Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

05. That all construction and/or other vehicles shall be able to access and exit the site in forward gears, therefore a turning area must be provided, together with sufficient parking to accommodate all site staff/operatives parking requirements, details to be submitted for approval in writing by the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

06. That access to all off street parking should be by means of a drop kerb footway / service strip crossing. All service strip crossings should be constructed as footway / carriageway specification.

Reason: In the interests of traffic and pedestrian safety.

07. That the applicant shall provide a Traffic Management Plan (TMP), including details of the haul road link with the industrial estate, the traffic routes of construction vehicles, site compound, show where all vehicles and deliveries will be located, on-site parking and wheel washing facilities/road cleaning systems. The TMP should restrict all site work (incl. vehicle movements) from operating within the school opening and closing times, unless otherwise agreed. No work shall commence until the TMP has been approved in writing by the Council as Planning Authority.

Reason: In the interests of road and public safety.

08. No development shall take place on the site until a scheme, approved in writing by the Planning Authority, for the carriageway widening of Berebriggs Road to permit two way flow along its entire length has commenced. No more than 15 dwellinghouses shall be occupied until the agreed scheme has been implemented in full or unless otherwise agreed in writing with the planning authority.

Reason: In the interests of traffic and public safety.

09. That the carriageway widening at Berebriggs Road will be considered to have commenced upon the earliest date on which any material operation begins to be carried out. For the avoidance of doubt, the definition of material operation is as per section 27(4) of the Town and Country Planning (Scotland) Act 1997. The applicant shall advise the planning authority in writing that the carriageway widening has commenced in advance of construction commencing at phases 3 and 4 or unless otherwise agreed in writing with the planning authority.

Reason: In the interests of traffic and public safety and to retain effective planning control.

10. That all new residents within the approved site shall be issued by the applicant with a Residential Travel Pack.

Reason: To encourage the use of public transport, walking and cycling.

11. That prior to commencement of works on site, details of provision of vehicle electric charging points associated with each dwelling shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: In the interests of climate change.

12. That the surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria (or any subsequent updated version of this guidance) and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

13. That prior to commencement of works on site the applicant shall submit a flood risk assessment is to be carried out in accordance with the latest industry guidance. Copies of the self-certification and Independent Check certificates contained within Appendices A and B (refer to the Council's developer design guidance May 2020) duly signed by the relevant party is to be submitted.

Reason: In order to ensure the risk of flooding to the application site from any source is at an acceptable level as defined in the Scottish Planning Policy and there is no increase in the future flood risk to adjacent land as a result of the proposed development.

14. That prior to commencement of works, a drainage strategy to support development Phase 3 and 4 and a sustainable drainage system serving the application site, designed and independently checked in accordance with the Council's current developer design guidance May 2020 is to be provided. Copies of the self-certification and Independent Check certificates contained within Appendices C and D (refer to the Council's developer design guidance May 2020) duly signed by the relevant parties are to be submitted.

Reason: To ensure the provision of a satisfactory land drainage system.

15. That the approved landscaping scheme (Drawing No. BH255-BHL-XX-XX-DR-A-L(90)001 P03 shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the buildings or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

16. That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 15 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.

Reason: In the interests of amenity and to retain effective planning control.

17. That prior to the completion, or occupation, of the last dwellinghouses within the development all of the works required for the provision of equipped play area(s) included in the scheme hereby approved, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason - In order to retain effective planning control.

18. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.

Reason: In the interests of amenity.

19. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: In order to retain effective planning control.

20. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, a change of use of any garage (whether integral or detached) to living accommodation associated with the dwellinghouse on the plot shall be subject to a further planning application to the Council as Planning Authority.

Reason: In order to retain effective planning control.

21. That details of the construction and makeup of the footpath/cycleway linking the development with Hamilton Road and the peripheral woodland footpaths shall be submitted for approval in writing by the Council as Planning Authority within 3 months of the date of this consent. For avoidance of doubt the 3 metre wide footpath/cycleway shall incorporate a pedestrian barrier, drainage and street lighting.

Reason: These details have not been submitted.

22. The footpath/cycleway and peripheral woodland footpaths referred to in Condition 21 above shall be implemented and operational prior to the completion of the last dwellinghouse. Thereafter, the footpath/cycleway shall be constructed and maintained to the satisfaction of the said Authority.

Reason: To encourage the use of public transport, walking and cycling.

23. Where the footpath/cycleway, referred to in Conditions 21 & 22 above meets Hamilton Road, the existing footway, over the boundary of the applicants' site, shall be widened to a minimum of 2 metres to the satisfaction of the Council as Roads Authority.

Reason: In the interests of public safety.

24. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

25. That the applicant shall undertake a noise impact assessment examining the design and use of the proposed outdoor facilities. The report shall consider the noise escape from the skate park and play areas in connection with any nearby residential properties including those being developed. This shall be submitted to the Council within 3 months of the date of the planning permission, and thereafter approved in writing by the Council as Planning Authority. Any measures required to minimise noise shall be implemented prior to the development being brought into use and shall thereafter be implemented in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.
For the avoidance of doubt, the report shall identify any measures required to ensure that there is minimal noise impact on neighbouring properties and shall include issues such as management of the facilities and hours of operation.

Reason: In the interests of amenity.

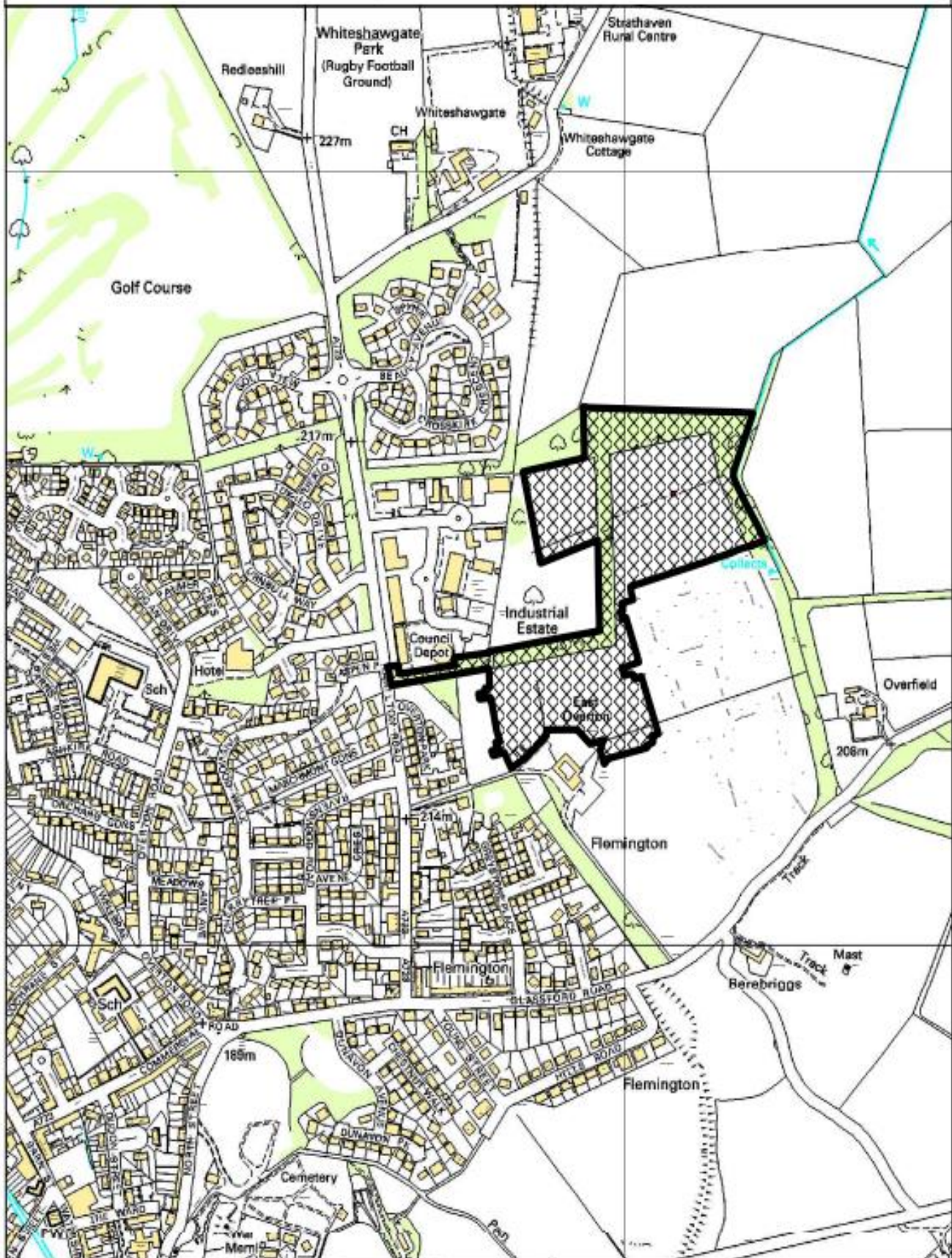
26. Prior to commencement of development, or otherwise agreed by the Council as Planning Authority, the applicant shall undertake a noise assessment to determine the impact of noise from (specify relevant sources) on the proposed development. This shall use the principles set out in British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority and shall identify-
1. The maximum Rating Levels- LAr,Tr (Including penalties either subjective or objective as appropriate)
 2. The statistical average Background Noise Level (LA90,30min) to which any part of the development will be exposed. The Background Noise Level for the most noise sensitive period that the source could operate shall be used for this assessment.
 3. Details of uncertainty shall be provided accompanied with meteorological data for the measurement period
 4. The levels should indicate the compliance with-
 - ◆ The external Community noise levels relative to The WHO Community Noise Guideline levels
 - ◆ The internal noise levels relative to BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

Where the Level of Significance as described within the Scottish Government Document: Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the proposed dwelling(s) from the noise shall be submitted to, and approved by, the Planning Authority. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority. Any survey submitted should assess the noise effects of commercial vehicle deliveries on adjacent dwellings.

Reason: in the interests of amenity.

P/22/0056

Land 115M Northwest of 52 Rickard Avenue, Strathaven



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Scale:
1:7,000
Date:
04/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

16

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1476
Planning proposal:	Erection of Dwellinghouse

1. Summary application information

Application type:	Detailed planning application
Applicant:	Woodside Developments Scotland Limited
Location:	1 Gillfoot Nursery Waygateshaw Road Crossford Carluke ML8 5PY

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3. Other information

- ◆ Applicant's Agent: Iain Harley
- ◆ Council Area/Ward: 01 Clydesdale West
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2**
Policy 2 Climate Change
Policy 4 Green Belt and Rural Area
Policy 5 Development Management and Placemaking
Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings

◆ Representation(s):

▶	10	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

West of Scotland Archaeology Service

Planning Application Report

1. Application Site

- 1.1 The application site lies within the Clyde Valley in a rural area to the north of Crossford which is designated as Greenbelt and a Special Landscape Area. The locality is characterised by pockets of properties with agricultural or horticultural roots, set back from the single track public road which follows the contours of the Valley's northern escarpment. The public roads are bordered by mature hedgerows with woodlands further enhancing the landscape and providing screening between different land holdings.
- 1.2 The ground at Gillfoot appears from historical maps to have been developed as a horticultural business with glasshouses in the 1930s, taking advantage of the level ground immediately to the west of the public road. Over the intervening period further glasshouses were constructed on the ground further westward, as well as a workers dwelling adjacent to the road.
- 1.3 The topography and mature vegetation of the area means that views into the application site are restricted to the area around Orchard Farm, Hill of Orchard, Gillfoot House and Gillfoot Cottage. This area is not readily visible from Crossford or from the A72 which is the main road through the Clyde Valley.
- 1.4 The application site comprises of the lower section of the original horticulture business with the proposed dwelling partially sitting on the footprint of the remaining sections of glasshouse on the southwest section of the commercial site. The remainder of this glasshouse was removed and is currently being utilised as the site compound for the construction of the previously approved development of three dwellings to the northeast of the site.

2. Proposal(s)

- 2.1 The applicant seeks detailed planning permission for the erection of a single detached dwelling on ground previously associated with a horticultural business. Part of the application site is occupied by what's remaining of Gillfoot's glasshouses, plus the previously cleared site of a glasshouse which lay on the northern half of the site. The remainder of the site is a grassed area lying between these areas and the mature woodland to the west of the site. The proposed dwelling will utilise the existing private access which has been constructed for the three new dwellings approved under approval P/19/0723. The new access also serves the existing dwelling on the site. This improved access will be extended into the site to access the new dwelling and has been designed with a turning area between the existing building group and the proposed dwelling to serve the whole development for service and delivery vehicles etc.

It should also be noted that the detailed house design for the new dwelling is very similar to the scale, mass and design approved for the previous three dwellings now complete on this site, with an across-the-board increase in footprint with a bigger living space, wider integral garage increasing the width of the house design from 27.4m to 30.85m. The depth will remain the same, keeping the overall massing very similar to the other dwellings on site. Due to layout of the site and the naturally sloping topography it is believed the new dwelling will integrate well with the existing dwelling on the site and with the introduction of new tree and hedge planting within and around the site. The proposed development will not have a significant impact on the visual amenity of the rural area.

3. Background

3.1 Local Plan Status

- 3.1.1 The 2021 adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the application site as being within the Green Belt, subject to assessment against Policy 4 Green Belt and Rural Area and Policy 5 Development Management and Placemaking. In addition, the proposals require to be assessed against the guidance contained within Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings which is considered to be the most relevant to the assessment of the application.

3.2 Relevant Government Advice/Policy

- 3.2.1 The Scottish Planning Policy document consolidates and updates previous Scottish Government advice, containing a section on promoting rural development. This document states that 'the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.' It also states that 'Plans should set out a spatial strategy which makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities.'

3.3. Planning Background

- 3.3.1 Planning permission in principle was first approved for a single dwellinghouse on landholding in 2012 (ref: CL/12/0063). That application was renewed under a further Section 42 application in 2015 (ref: CL/15/0066). Detailed planning permission for the formation of 3 no. residential plots within the physical confines of the current application site was then granted in 2017 (ref: CL/17/0485). A further detailed planning application for 3 no. detached dwellinghouses, of the same overall type as currently proposed, was approved in October 2018 (ref: P/18/1272). This was later amended under application P/19/0723. This live consent is currently being implemented by the developer and was near to completion at the time of the site visit by the case officer and is now believed to be fully occupied at the time of writing this report.

4. Consultation(s)

- 4.1 **Roads and Transportation Services** – offer no objection to the application, subject to the attachment of relevant conditions regarding the formation of visibility splays and parking within the site.

Response: Noted, relevant conditions will be attached to any approval Committee is minded to grant. The new dwelling will utilise an existing access approved and constructed under a previous application and therefore other aspects of its construction have been conditioned under that application which has been implemented.

- 4.2 **Environmental Services** – have offered no comments on the application.

Response: Noted, relevant informatives on noise, demolition and contamination will be attached to any approval Committee is minded to grant.

- 4.3 **WOSAS** - advise that the application site involves ground which has seen some minor development in the past but this is an area of some archaeological sensitivity, with the supposed course of a Roman Road running through the application area. Consequently, it is recommended that there should be a requirement for a pre-development investigation to inform the need for any subsequent investigations and a suitably worded planning condition should be employed.

Response: Noted, a relevant condition will be attached to any approval Committee is minded to grant.

5. Representation(s)

5.1 Statutory neighbour notification was undertaken, and the proposal was advertised in the local paper as possibly contrary to the development plan and for non-notification of neighbours, following which 10 letters of representation from 6 households have been received, and are summarised as follows:-

- (a) **The application site is within the Greenbelt and a Special Landscape Area. No specific locational need has been shown for the proposal and it therefore does not comply with national planning policy and guidance nor Council policies on sustainability or rural development; neither does it demonstrate a role in the promotion of economic growth or for the enhancement of the environment. The site has not been included in the new South Lanarkshire Local Development Plan 2 which would have provided an opportunity for fuller scrutiny of the development's impacts.**

Response: Scottish Planning Policy (SPP) requires development plans to promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. Managing development in the Greenbelt is a key aim of the Council and rural development policies have been set out to outline where and in what form development is acceptable in the Green Belt. These provide detailed guidance in support of the SLLDP2. New housing would be considered in the Greenbelt if it involves the redevelopment of previously developed land with buildings. A full assessment of the proposal against all relevant policies in the adopted South Lanarkshire Local Development Plan 2 is provided in Section 6 below.

- (b) **The distanced and isolated siting of the proposed house creates a gap or infill site which suggests or indeed demonstrates the intention to further develop houses on this site. This was specifically limited and asserted as not possible in the report of handling for the previous application P/19/0723. Indeed there was a previous application P/20/1858 for development on this site which has been withdrawn which was for 3 houses rather than a single house. The desire to develop a larger development does not confer a justification or compensation for a lesser development as the policies do not support this form of development in this location as it still breaches acceptable limits of the scale and significance of impact. This is not a site that should be further developed as development management policies mitigate strongly against it. Sound development management requires good planning control within the policy intentions, so decisions are defensible. This site should be protected from further unjustified, unsupportable and inappropriate development.**

Response: The previous application was withdrawn by the applicant following feedback from planning and roads that advised that development of this scale could not be supported by either adopted planning policy or roads access standards. Roads had advised that as the site was accessed by a private access, that the maximum number of residential units that would be accepted off it would be 5 and due to the constraints of the site in terms of geometry and visibility, the improvements to form an access to an adoptable standard would not be possible within the control of the applicant. Planning, in discussions with the applicant advised that 3 additional units would be seen as overdevelopment of this rural site and did not satisfy any of the rural development policies that would allow for residential development in this location.

The location of the proposed dwelling in the new application has been selected by the applicant to comply with the criteria of Policy GBRA5 Redevelopment of Previously Developed Land Containing Buildings. This policy allows for the controlled redevelopment of existing land that contain buildings. This policy stipulates that any new buildings on site shall generally occupy the same position on the site as those buildings that are to be replaced and that the physical footprint of the new buildings shall not normally exceed that of the existing buildings in terms of floor area, unless it can be shown that there will not be a detrimental landscape impact. The remaining section of greenhouse is located on this area of the application site and the position of the proposed dwelling relates satisfactorily to this location. In addition, the footprint of the existing structure remaining on site is approximately 500m² while the footprint of the new dwelling is only 300m² and therefore the proposed development is considered to meet the main criteria of this policy. The full assessment of the development against adopted policy is provided in Section 6 below.

- (c) **This is not a brown field site, it should be considered to be a green field site as it had been a successful working/commercial horticultural/agricultural site until very recently.**

Response: The site by definition is considered brownfield as it was the site of previous development in the form of a commercial nursery with two glasshouses and several outbuildings occupying various locations within the site. The remaining section of glasshouse on site was part of the main 2,200m² building on this site which has been partially demolished to accommodate plot 3 of approval P/19/0723 and the temporary construction compound for that residential development now completed and occupied. The site ceased trading as a commercial business in 2016 and was subsequently sold to the current applicant in its entirety including the original cottage on site and with planning consent to build three dwellings under approval CL/17/0485 and now built under the amended approval P/19/0723.

- (d) **The proposal will place an additional strain on the local infrastructure, especially roads, and also impact on the ecological and environmental qualities of the locality. The building works could impact on the area's sizeable badger population, while the completed development will increase light pollution which affects bats.**

Response: No adverse comments have been raised by the Council's Roads service. The application site is comprised of the remainder of the commercial land associated with the nursery business on this site where the remains of one glasshouse still stands, an open grassed area and commercially planted area of semi mature birch contained within existing fence lines. The application site lies out with the natural woodland surrounding the site. There is no evidence of protected fauna living in these former commercial spaces. The adjoining wooded areas which do have badger setts and provide foraging areas for badgers will remain unaffected by the proposal. A condition will be added to the decision should consent be granted to have a badger survey carried out prior to development commencing on site to establish appropriate exclusion zones for development and material storage to be set up. The new dwelling will be approximately 50m from the badger sett observed by the case officer in the adjacent woodland and therefore adequate separation distances and protection should be achievable should the survey confirm the setts are occupied and active prior to development on this site commencing.

- (e) **The distanced and isolated siting of the proposed house creates a gap or infill site which suggests or indeed demonstrates the intention to further develop houses on this site. This was specifically limited and asserted as not possible in the conditions of approval of P/19/0723.**

Response: The location of the proposed dwelling has been selected to meet the terms of Policy GBRA5 as it replaces an existing structure in this area of the site. The reports for previous approvals on the former nursery site had previously advised that there was limited potential for further development not that there was no potential, and that each application would be assessed on its own merits at the time of submission. The new application is a standalone development proposal and will be assessed on its merits against the newly adopted development plan and, in particular, rural development policies.

- (f) **Aesthetically, this development together with the previous three houses on the site is out of character with the area, the design of the housing is not in keeping with the existing housing in this area where every dwelling house is individual and different.**

Response: the design and scale of the proposed dwelling is considered to be an acceptable house type for a rural location and due to its location and orientation on the site compared to the other dwellings on this site will present a unique visible presence when viewed from the limited vantage points over the site.

- (g) **Light and noise pollution will adversely affect the existing community and wildlife (existing badger setts were disturbed following the granting of planning permission for the previous 3 houses) and development will not benefit the local ecology, the reverse being the case. An established Orchard was destroyed following permission for the last three houses and hedgerows were also destroyed during breeding season.**

Response: The addition of a single dwelling on this site will not significantly increase levels of noise or light within this former commercial nursery site that would be detrimental to the neighbouring properties. The area within the application site is considered to constitute formerly developed land on which a redundant, vacant building stood and has limited ecological value. The alleged disturbance to the badger setts on land out with the application site, are noted and these concerns have been relayed to the applicant. In addition, if consent is granted a planning condition will be added to the consent requiring a badger survey to be carried out prior to works commencing to ensure appropriate steps and protection are put in place if required. The proposed plans show the replanting of a small orchard area within the site and additional perimeter planting to help integrate the development into its rural location and further dilute and restrict views of the site from the wider area.

- (h) **The applicant advises, that if the proposal is granted that he will remove the 'building yard' currently on site, which has been created by the applicant in its entirety. There is no current permission for a 'building yard' on the site or connecting site but surely it is a temporary use while the houses related to P/19/0723 are under construction. I find the 'gain' of the removal of the building yard to be entirely spurious.**

Response: The existing construction compound on the application site was formed on a temporary basis when developing the three plots on the adjacent site and is expected to be removed when no longer required. The application for the new dwelling has not been assessed on the removal of the yard area and that this statement in the application submission is not relevant to the assessment of this application.

5.2 These letters are available for inspection on the planning portal.

6. Assessment and Conclusions

- 6.1 The applicant seeks planning permission for the erection of a single dwelling and the extension and alteration to the existing private access serving the existing 4 dwellings on this site. The determining issues in consideration of this application are its compliance with local plan policy, and its impact on the amenity of the surrounding area.
- 6.2 The application site lies within the Green Belt and a Special Landscape Area, in an area noted for its narrow hedge lined roads, mature woodlands or shelter belts and undulating topography. Historically in the area, properties were situated some distance apart with orchards or commercial glasshouses surrounding them. The application site is located on the remaining land of the former horticultural businesses of Gillfoot Nursery.
- 6.3 The new dwelling is to be located to the far west of the site at the end of an extended private access road that was recently altered and extended to serve three new dwellings previously approved under applications CL/17/0485 and P/19/0723. The dwelling is to be partially located on the only remaining section of greenhouse on the south side of the site while the garden, driveway and parking for the new dwelling is proposed to occupy the remainder of the former commercial nursery business on land that was previously occupied by the commercial nursery business.
- 6.4 The other three quarters of the glass house on the south side of the site was removed and this land was used as the site compound for the recently completed three house development and is occupied by several site buildings, vehicles, and materials for that development.
- 6.5 The former horticultural business and associated dwelling sit to the south of Waygateshaw Road, in the Greenbelt. The northern edge of the application site is defined by mature trees. At Gillfoot, the glasshouses were erected on the opposite side of the road from the dwelling Gillfoot House, and as the business expanded a further domestic property was erected closer to the focus of these horticultural operations. The nursery business on site ceased trading in 2016 and a planning application (CL/17/0294) was approved in August 2017 to remove the occupancy restriction that was attached to the bungalow at the head of the private access.
- 6.6 The applicant bought the bungalow and former nursery site and has just completed the erection of three new dwellings on the eastern and middle portions of the site adjacent to the original dwelling on site. The proposed development would see the remainder of the site cleared of the last remnants of the commercial glasshouses that once occupied the majority of the site and introduce additional landscaping in the cleared areas that remain to assist in its integration into its rural surroundings.
- 6.7 In considering the proposal, a number of policies are applicable and Policy 2: Climate Change states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change by meeting a number of criteria, including maximising the reuse of vacant and derelict land, and having no significant adverse impacts on the water and soils environment, air quality and biodiversity. Having considered the proposal, it is considered that the development layout and scale will not have a significant adverse impact on the water and soil environments, or biodiversity. The proposals in this instance raise no issues in relation to flood risk and a sustainable urban drainage system will be utilised for the dwelling.

In addition, the proposals represent an appropriate re-use of previously developed land.

- 6.8 Policy 4: Green Belt and Rural Area states that these areas function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not require to be located there will be expected to be accommodated within settlements, other than in certain circumstances. These include where the proposal involves the redevelopment of previously developed land containing buildings. As noted above, part of the application site is occupied by the remains of the former commercial glass house with approximately 40% of the new dwelling being located on its footprint. The remainder of the plot which will form the garden area of the new dwelling is currently a mixture of a building site compound and open rough ground in the area of the previously cleared glasshouses on the site. Further details such as a detailed landscaping plan and drainage arrangements, would be the subject of further detailed submissions and approval under condition should consent be granted. However, the proposal to erect a single dwelling at this location is not considered to adversely affect the local community, while the inclusion of landscaping conditions on any planning consent granted would ensure that an appropriate level of screening and visual enhancement would benefit the rural character of the area. It is therefore considered that the proposal also complies with Policy 4 and, in addition, with policy 5 Development Management and Place Making which requires proposed development to take account of and be integrated with the local context and built form.
- 6.9 No issues have been raised by consultees that cannot be addressed through the use of appropriate planning conditions, while the matters highlighted in the letters of representation have been considered against the policies of the SLLDP2. These show that in this case a limited development of a single dwelling will meet the specific requirements of the adopted planning policies and therefore can be accommodated on the site of the existing glasshouse and the associated commercial land without any significant detriment to the character of the area or the qualities of the green belt. It is therefore recommended that planning permission be granted.

7. Reasons for Decision

- 7.1 The proposed development will not adversely affect the landscape character, or impact upon residential amenity of the area. It does not raise infrastructure or environmental issues, and complies with Policies 2, 4, 5 and GBRA 5 of the adopted South Lanarkshire Local Development Plan 2. It is considered that the siting, design and massing of the proposed dwellinghouse is appropriate for the rural character of the locality.

David Booth
Executive Director (Community and Enterprise Resources)

Date: 17 March 2021

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated

► Consultations

Roads Development Management Team 13.09.2021

West of Scotland Archaeology Service 30.08.2021

► Representations

Dated:

Mr Douglas Rodgers, Poplarhill, Carluke, ML8 5PX 26.08.2021

Mrs Lindy Rodgers, Poplarhill, Carluke, ML8 5PX 27.08.2021

Pamela Hamilton, 14 Haddington Gardens, Dundee, DD4 0RL 07.09.2021
& 08.09.2021

Ken Hamilton, 14 Haddington Gardens, Dundee, DD4 0RL 07.09.2021
& 08.09.2021

Mr Robin Laing, Ellerburn Cottage, Crossford, Carluke, ML8 5PX 31.08.2021

Mr John Cooper, Orchard Lodge, Waygateshaw Rd, Crossford
Carluke, ML8 5PY 01.09.2021

Mrs Anne Cooper, Orchard Lodge, Waygateshaw Rd, Crossford,
ML8 5PY 01.09.2021

Ms Sandra Gunn, Hill of Orchard, Orchard, Carluke, ML85PX 24.08.2021

Mr Peter Booth, Hill of Orchard, Crossford, ML85PX 22.08.2021

Mr Scott Wardrope, Gowanglen, Crossford, ML8 5PY 01.09.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 455116

Email: steven.boertien@southlanarkshire.gov.uk

Planning Application

Application number: P/21/1476

Conditions and reasons

01. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

02. That no development shall take place until surveys to determine the presence or absence of badgers on the land immediately adjacent to the site have been undertaken and submitted to and approved by the Council as Planning Authority. The development shall not begin until any such action as is recommended by these surveys has been implemented and completed in accordance with the agreed details. These surveys shall provide details of measures to protect the property from potential future badger activity, measures to allow the free movement of badgers through the site, measures to reduce the risk of badger road mortalities and measures to prevent badgers establishing new setts within the application site during the various phases of development.

Reason: In order to protect this European Protected Species during the development period.

03. That before any work commences on the site, a scheme of landscaping for the area shaded purple on the approved plans shall be submitted to the Council as Planning Authority for written approval and it shall include:
- (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development.
 - (b) details and specification of all trees, shrubs, grass mix, etc.including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground including de-compacting the ground due to recent construction activity in the areas to be replanted
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

04. That the approved landscaping scheme shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the building(s) or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of the visual amenity of the area.

05. That the type and distribution of external finishes shall be as shown on the approved plan, but prior to the commencement of any work on site, samples of the materials to be used shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

06. That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and shall include signed appendices as required. The development shall not be occupied until the surface drainage works have been completed in accordance with the details submitted to and approved by the Council as Planning Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

07. That notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any such order revoking or re-enacting that order), no fences, walls or other means of enclosure shall be erected on the site without the prior written permission of the Council as Planning Authority, other than -
- i) post and wire fences up to 1 metre in height; or
 - ii) hedge rows planted with native species only.

Reason: In the interests of the visual amenity of the area.

08. That no development shall commence on site until the applicant provides written confirmation from SEPA to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with SEPA's standards.

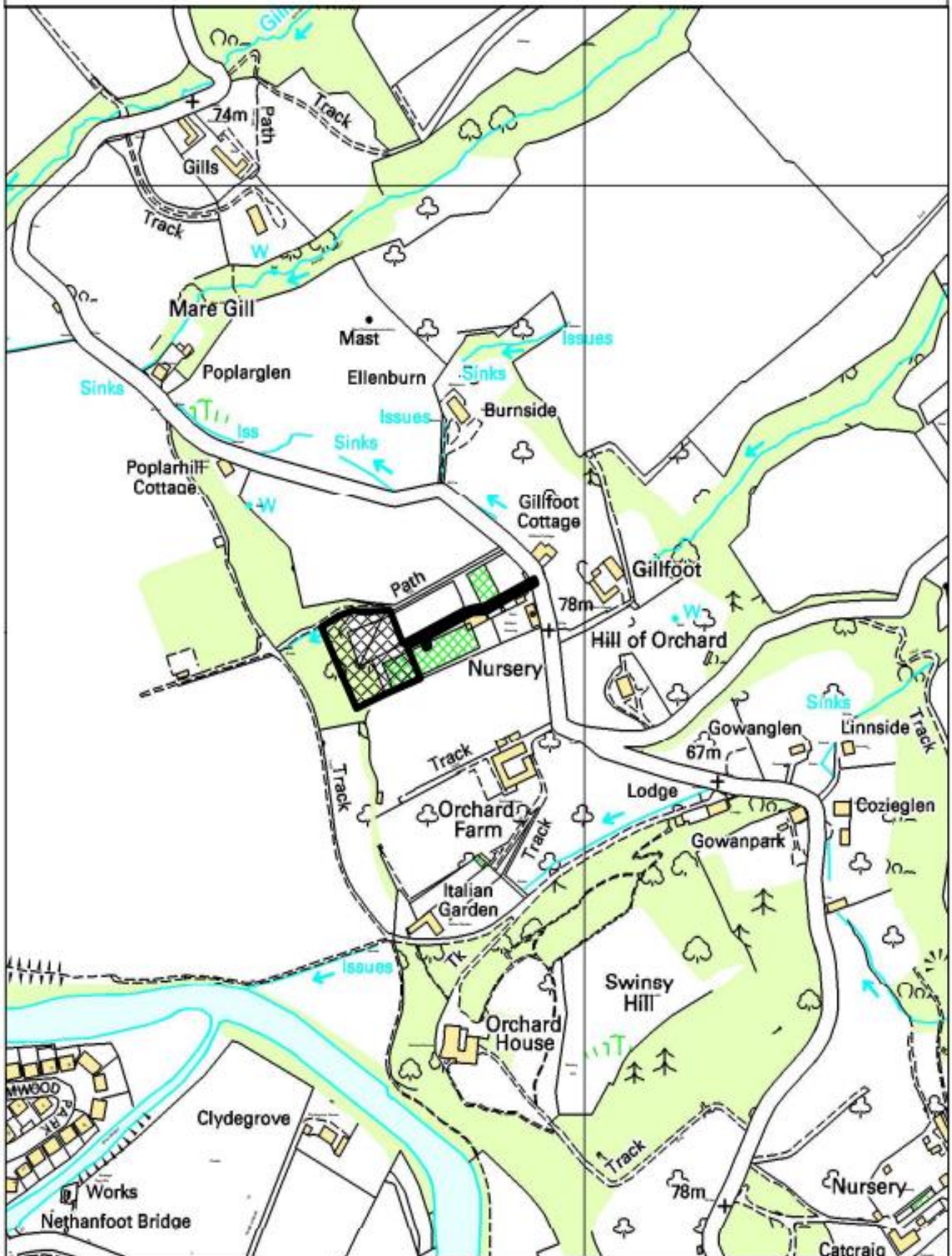
Reason: To ensure the provision of a satisfactory sewerage system.

09. That before the development hereby approved is completed or brought into use, 3 no. parking spaces (23m x 6m modules) and a turning area shall be laid out, constructed and thereafter maintained to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking and turning facilities within the site.

10. That before the development hereby approved is completed or brought into use, a visibility splay of 2.5m by 40m to the North and 2.5m by 48m to the South measured from the road channel shall be provided on either side of the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.



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Scale:
1:5,000
Date:
09/03/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development

Report

17

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Land at Law Place, East Kilbride – Preparation of Supporting Planning Guidance and Development Brief
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1. Purpose of Report

1.1 The purpose of the report is to:-

- advise members of the outcome of public consultation on Supporting Planning Guidance and a Development Brief prepared in respect of land at Law Place in East Kilbride.
- seek approval for the revised Supporting Planning Guidance and associated Development Brief, as set out in the appendix to the report, and thereafter adopt it as the Council's agreed planning position for the site

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the Supporting Planning Guidance and associated Development Brief in relation to land at Law Place in East Kilbride, as set out in the appendix to the report, be approved; and
- (2) that the Head of Planning and Economic Development Services be authorised to make drafting and technical changes to the draft document prior to its publication.

3. Background

3.1 Members will recall at the meeting of the Planning Committee on 5 October 2021 that a report advising that the Council had received notice of an appeal lodged at the Court of Session by Law Place (East Kilbride) Limited against the adoption of South Lanarkshire Local Development Plan 2 (SLLDP2). The challenge related to the designation of part of the former Rolls Royce site in East Kilbride in the adopted plan as a core industrial and business area on the grounds that the relevant parts of the Town and Country Planning (Scotland) Act 1997 had not been complied with namely that they were not notified of a change to the designation of the site and the consultation on the proposed SLLDP2 carried out in 2018 made no reference to the change.

3.2 Following receipt of the notice of the legal challenge, consultation with legal Counsel was undertaken and the view has been taken to concede the appeal. This was authorised by the Head of Administration and Legal Services under the Council's Scheme of Delegation which covers the discharge of the functions of the Council in relation to any type of judicial or quasi judicial proceedings.

- 3.3 In turn, the Council subsequently agreed a Joint Minute with the Appellants agreeing the reasons for, and extent of, the quashing of this part of the Plan. By joint motion the parties agreed that the Council had failed to comply with the terms of Section 18 and 19 of the Town and Country Planning (Scotland) Act 1997 when changing the designation of the Site and thereby erred in law. The Court of Session, by court order dated 23 September 2021, accordingly quashed the SLLDP2 insofar as it designated part of the Old Rolls Royce Site, Mavor Avenue, East Kilbride as a Core Industrial and Business Area.
- 3.4 The effect of this outcome is that there is now a “hole” in the proposals map in relation to the site. It does not replace the previous designation as Green Network or resurrect any previous designation. The Council was required to publicise the decision of the Court and the fact that part of the SLLDP2 is not effective. This was carried out on the Council’s website.
- 3.5 In terms of addressing this position, Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory Supporting Planning Guidance (SPG) to set out the Council’s position on a range of subject matters. Adoption of this guidance by the Council gives it a formal status, meaning that it will be a material consideration in decision making on planning applications. The Planning Committee in October 2021 agreed with the recommendation to approve the SPG that had been prepared to establish the Council’s position in terms of spatial planning policy for the site (namely identify the site as suitable for industrial and business development) and an associated Development Brief prepared to provide detailed guidance for developers of the site. Members also agreed that a 6 week consultation exercise be carried out.

4. Current Position

- 4.1 Consultation was carried out on the SPG and Development Brief between 20 October and 3 December 2021. This included sending a consultation request to the landowners, placing an advertisement in the East Kilbride News and publicising the consultation on the Council’s website. In addition, consultation was carried out with a number of statutory consultees. As a result of the publicity, 16 letters of representation were received. One of these was submitted on behalf of the current landowners (which included a noise impact assessment in relation to a potential residential development on the site), a further 14 were received from residents in the adjoining residential development and finally comments were received from Scottish Water. The points raised are summarised as follows;

Holder Planning on behalf of Law Place (East Kilbride) Limited

- a) **The conclusion in the draft SPG that the site is unsuitable for residential development due to noise from the adjoining industrial premises is wrong. The NIA shows residential development can be accommodated without significant impact on residents.**

Response: The NIA does in fact conclude that the site is subject to noise which generates a high risk of an adverse effect such that complaints from future residents may be expected for up to 50% of the site. To mitigate this, the NIA suggests a four storey block with no amenity space between it and the adjoining business (an indicative plan shows car parking in this intervening area) and no habitable rooms on the elevation facing the business. In addition, a glazing and ventilation strategy would be required to prevent the need for windows to be opened for comfort cooling.

Environmental Services have reviewed the NIA. They have advised that whether the mitigation proposed is acceptable cannot be determined at the 'in principle' stage such as this and that more detail is required. Nevertheless, it is clear that significant mitigation is required as the noise levels represents a high risk of an adverse effect. In addition, the sound pressure levels measured are above relevant standards and would better suit a non-residential use. In planning terms, the proposals would result in no dedicated enclosed amenity space for residents in the block referred to. The visual impact of a large block of this scale is also likely to be significant and not enhance the character of the area. In effect, the block would act as barrier to noise within the rest of the development, a solution that is not considered appropriate. In view of this, it is not considered that a residential development could be achieved without impacting significantly on a wide number of future residents.

- b) **An indicative layout has been submitted which the landowners consider shows a residential development can be accommodated on the site while meeting Council standards.**

Response: The key issue relates to whether the site should be allocated for industrial and business development as originally intended or whether an alternative use, in this case housing, is appropriate. For the reasons set out later in the report it is concluded its development for employment use is the most appropriate in land use terms. Whether a residential development that complies with standards can be achieved is not relevant.

- c) **A significant number of residents in the adjoining new housing development object to the site being developed for industrial/business use.**

Response: A total of 14 representations have been received from the 354 units in the adjoining development.

- d) **The proposed layout shows a road access from Law Place which their transport consultants consider is the preferred one to other options.**

Response: The preference of Roads and Transportation Services is for access to the site to be via Leesburn Place and not Law Place. In the event that this cannot be achieved, then the developer would have to show that access from Law Place could satisfy a number of constraints in relation to sightlines and junction spacing and take account of the differences in ground levels between the site and Law Place. These matters were detailed in the draft Development Brief which also advises that a Transport Assessment would be required. The representations received fail to address these key issues and therefore it cannot be concluded that the proposals would not have an adverse effect on road safety.

- e) **The SPG should be amended to allow residential development to be included as an alternative land use. The site is an urban brownfield infill site where residential development should be supported.**

Response: The report to the Planning Committee in October last year and the SPG set out in clear terms the reasons why residential development would not be acceptable and why industrial/business use was the preferred land use for the site. This position has not changed and the reasons for the preferred land use are summarised later on in the report. The landowner has failed to address any of these reasons including demonstrating that there is sufficient industrial land supply in the Council area as a whole and in East Kilbride in particular and that there is a shortfall in housing land supply in the same context. It would have been expected that a detailed response would have been provided to strengthen their representations but this has not been the case.

Individual representations

- a) **The proposals for industrial development will affect the surrounding environment, house prices and the livelihoods of young families.**

Response: Any proposals for the site would be expected to meet existing environmental standards and guidelines including noise, air quality, traffic generation and sustainability. Measures to reduce greenhouse gas emissions and help achieve net zero targets and enhance biodiversity and green network would also be expected. It is not clear how livelihoods of local residents would be affected. The effect on house prices is not a planning matter.

- b) **The noise impact of industrial/business use. The area is already surrounded by shops, light industry and warehousing and noise from them can be heard through the night.**

Response: The wider area is characterised by employment uses within the Nerston Industrial Estate established long before the new housing on the former Rolls Royce site was developed. The retail warehouses in the area were also in operation before the new housing. In addition noise attenuation between the new housing and the site has already been provided in the form of a bund and fencing. Any future planning application would be accompanied by a further NIA to determine whether further noise mitigation was required to address the specific characteristics of the end users.

- c) **The proposals would result in an increase in traffic.**

Response: The SPG makes clear that a Transport Assessment or a lesser Transport Statement will be required to be submitted with any future planning application. This will assess the effect of proposals on the local road network. A TA has not been submitted by the landowner.

- d) **Concerns that a tall building would block daylight from new houses and their gardens.**

Response: Any proposals for the site would be expected to comply with the current guidelines on daylighting and overshadowing. The draft development brief advises that the scale of any building should not visually or physically dominate the existing 2 storey houses. The brief has been amended to make reference to the issues of loss of light and overshadowing and the need for proposals to address them.

- e) **Concerns have been raised with the Council about the safety of footpaths along Law Place and speeding vehicles on Law Place**

Response: The development brief requires a continuous 2m footway to be provided along the frontage of the site. In addition, a Transport Assessment or Transport Statement will be required to be submitted with any future planning application. This will assess the effect of proposals on the local road network. A TA has not been submitted by the landowner.

- f) **There are already enough areas in East Kilbride zoned for industrial use.**

Response: The provision of a range of employment sites for varying types and sizes of end users is a key objective of the SLLDP2 to ensure local employment opportunities and sites for inward investment are maintained.

Scottish Water

- a) **They advise they have no objections to the designation of the site for industrial/business purposes. This should not be taken that the site can be serviced and developers should contact them to discuss their water and waste water needs.**

Response: The development brief has been updated to reflect these comments.

- 4.2 It should be noted that since the consultation on the SPG, the landowners submitted a Proposal of Application Notice (PAN). This sets out proposals for statutory pre-application consultation they must carry out in advance of the submission of a planning application, in this case for residential development on the site. The proposals include online events and consultation with local members. The outcome of this process is unknown. However, legislation requires a Pre-Application Consultation report to be submitted with any planning application which will detail the responses received by the landowners and what steps they have taken to address the issues raised.

5. Assessment and Conclusions

- 5.1 The preparation of the SPG and Development Brief arose out of the quashing of part of SLLDP2 relating to land at Law Place in East Kilbride and a requirement to set out the Council's preferred position on the future development of this site. Following public consultation of the documents that were approved by the Planning Committee last year, representations have been received from the landowners and a small number of local residents as described above. Following consideration of the responses, it is considered that the intended designation of the land as a Core Industrial and Business Area remains appropriate. The reasons for this are set out as follows.
- 5.2 The site historically formed part of the extensive former Rolls Royce site at Law Place in East Kilbride. Planning permission granted in 2016 for a mixed-use development included an approved masterplan which delineated three distinct land uses within the site namely residential development, a retail/commercial area and land identified for industrial/business use (the land the subject of the SPG and brief). The new residential development to the east is largely complete and two retail units have been erected which are now operating. As a result, the 2016 consent is extant. The Law Place site itself is separated from the new housing by a noise attenuation bund and acoustic fencing to protect residents from proposed and existing employment uses. There is no physical connectivity between the residential development and the site.
- 5.3 Land on the three remaining sides of the site is entirely commercial in nature comprising manufacturing and trade premises and they form part of the wider Nerston Industrial Estate also designated as a Core Industrial and Business Area. The development of the site for employment purposes would therefore be in keeping with the established character of the area. The 2016 planning permission is subject to a condition limiting the use of the employment area to classes 5 (General Industrial) and 6 (Storage and Distribution). Following approval of the masterplan, the site has been included in the Council's industrial land supply since 2018 as a potential marketable site. In addition, an application has not been made to amend the approved masterplan or the condition in terms of alternative uses for the site.
- 5.4 Demand remains for larger sites in East Kilbride to be identified both for speculative and bespoke developments. An analysis of the East Kilbride Industrial Land Supply carried out in July 2021 shows that there has been a 37% reduction in the overall marketable supply since 2015 (27.45 hectares now compared to 43.44 hectares in 2015). Since 2015 a total of 6.35 ha has been developed for industry and business in East Kilbride, an annual average of just over 1 ha per annum. In addition, a number of the sites within the current industrial land supply already benefit from extant planning consent and may be developed in the short term. This results in just under 12 hectares of unconsented land being available for new industrial/business development. Many involve small plots within the Scottish Enterprise Technology Park and are only suitable for smaller class 4 type developments. The availability of larger sites for class 5/6 uses is more limited, particularly in the northern part of East Kilbride.

- 5.5 Recent developments and proposals indicate there is still a demand for larger sites in East Kilbride both for speculative and bespoke developments. These include the development of 4.5 hectares at College Milton for a whisky blending centre; development of class 4/5/6 speculative units at plot 1 Kelvin South (0.8ha) and the recent application for a vehicle storage and distribution centre on the former Freescale site at Kelvin industrial estate (12 ha).
- 5.6 In addition, the Strategic Business case for the Stewartfield Way City Deal project was updated in June 2021 and this site is one that is identified as contributing to the economic outputs that the Stewartfield Way project will deliver. These proposals would improve the transport network at the two roundabout junctions between the exit to the East Kilbride Expressway and up to and including the Kingsgate Retail Park and dual the road from Kingsgate Retail Park to James Hamilton Heritage Loch which will help increase the road network capacity and improve the attractiveness of the site to investors. There is an increased level of enquiries for industrial sites that are well located, particularly in relation to key transport routes.
- 5.7 In terms of residential development on the site, a minimum 5 year effective housing land supply is available throughout the lifetime of the adopted SLLDP2 as required by Scottish Planning Policy. The site has not been allocated as a new housing site in SLLDP2. The planning permission for the wider Rolls Royce site is subject to a condition that limits the number of housing units that could be developed to 354. This was in recognition of the impact additional units would have on the local road network. Furthermore, the site is bounded on three sides by existing industrial and business use which would mean new housing would be out of keeping with the character of the surrounding area which is a long established employment base for East Kilbride. In particular, the site is immediately adjacent to noisy industrial activity that operates on a 24 hour basis to the south. As a result, housing development on the site would not be appropriate.
- 5.8 The Scottish Government published its draft National Planning Framework 4 (NPF4) for consultation in November 2021. When this is approved by Scottish Parliament it will have the status of being part of the Development Plan alongside the LDP. The draft document sets out the Government's national spatial strategy for Scotland to 2045. A clear aim is to support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to build a wellbeing economy. LDPs are to include proposals to meet requirements for employment land, infrastructure and investment that supports a greener, fairer and more inclusive wellbeing economy. In addition, a deliverable housing land pipeline should be established to ensure sufficient land is allocated to meet the Housing Land Requirement that create quality places for people to live. Given the earlier comments about the industrial land supply context in East Kilbride, it is considered the loss of the Law Place site would have a detrimental impact on maintaining appropriate employment land opportunities to meet demand. In addition, a housing land supply in excess of 5 years is already available and deliverable. Finally, the development of the site for new housing would not create a quality place for future residents given the character of the immediate area.
- 5.9 It is therefore recommended that the original principles of the Supporting Planning Guidance (SPG) and associated Development Brief, attached as Appendix 1, are appropriate and that the identification of the site for industrial and business purposes remain unchanged. In particular, residential development on the site is not appropriate. A number of minor updates have been made to the proposed documents to reflect responses received as a result of the public consultation and changes to national and local policy and guidance since the draft documents were published. If members agree

with this recommendation, it is intended that, following the making of drafting and technical changes to the documents, they will be published on the Council's website. Thereafter they will be a material consideration for any planning applications for the site.

6. Employee Implications

- 6.1 The preparation of the Supporting Planning Guidance and subsequent publicity and potential changes will be carried out using existing staff resources within Planning and Economic Development Services.

7 Financial Implications

- 7.1 None.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. Local Development Plans are subject to the requirements of the Environmental Assessment (Scotland) Act 2005. They, therefore, have to be subject to Strategic Environmental Assessment (SEA). Where appropriate, other forms of assessment should be undertaken to meet legislative requirement and/or Council/Community Planning policy, namely; Habitats Regulations Appraisal, Equality Impact Assessment and Health Impact Assessment. The adopted South Lanarkshire Local Development Plan 2 was the subject of both SEA and a Habitats Regulations Appraisal. The site is identified in the Plan for new development and has therefore already been subject to SEA. No further assessment is required. An Equality Impact Assessment and Health Impact Assessment were also carried out during the preparation of the Plan.

9 Other Implications

- 9.1 The failure to have spatial policy and planning guidance for the site would undermine the Council's strategic vision of promoting sustainable economic growth in South Lanarkshire.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 An Equalities Impact Assessment (combining Child Rights and Wellbeing Impact Assessment) was not specifically required for the documents (see 8.1 above). Consultation was carried out on the draft documents as described in the report.

David Booth

Executive Director (Community and Enterprise Resources)

17 March 2022

Link(s) to Council Values/Ambitions/Objectives

- Demonstrating governance and accountability
- The efficient and effective use of resources and managing and improving performance

Previous References

- Report to Planning Committee 1 December 2020

List of Background Papers

- Planning (Scotland) Act 2019
- Circular 6/2013 – Development Planning
- South Lanarkshire Local Development Plan 2 adopted April 2021
- Planning Committee 5 October 2021 - South Lanarkshire Local Development Plan 2 – Legal Challenge

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Ext: 5105 (Tel: 01698 455105)

E-mail: tony.finn@souythlanarkshire.gov.uk

Appendix

Supporting Planning Guidance - Land at Law Place, East Kilbride

1. INTRODUCTION

- 1.1 The South Lanarkshire Local Development Plan 2 (SLLDP2) was adopted by the Council on 9 April 2021. An appeal to the Court of Session by the landowners of part of the former Rolls Royce site on Law Place in East Kilbride resulted in the designation of the site in SLLDP2 as a core industrial and business area being quashed. A plan showing the location of the site is found on Plan 1. This in effect means the land has no designation in the adopted plan. This supporting planning guidance has been prepared to establish the Council's position in terms of spatial planning policy for the site following this outcome. It identifies the land uses that will be acceptable at the site and sets out (in the form of the accompanying development brief) the criteria that will be used by the Council in the determination of any planning application that is submitted.
- 1.2 Circular 6/2013 – Development Planning states that planning authorities may issue non-statutory planning guidance without having to comply with the procedures involved in the production of statutory Supplementary Guidance (SG). Non-statutory planning guidance may be used to provide detail on a range of subject areas. This form of guidance does not form part of the development plan. However, adoption of this guidance by the Council gives it formal status, meaning that it will be a material consideration in decision making. Planning guidance can be updated as required and without the need for scrutiny by Scottish Ministers. Since the publication of the circular, the Planning (Scotland) Act 2019 has received Royal Assent. Section 9 of the Act repeals the ability of Planning Authorities to prepare SG in the future. As a result, it is considered appropriate to prepare non statutory guidance to address the issue described above.
- 1.3 Site Location and Description
The site historically formed part of the extensive former Rolls Royce site at Law Place in East Kilbride. Following the closure of the Rolls Royce facility, the land was cleared of any buildings. Its redevelopment has resulted in a new residential development to the east that is largely complete and the erection of two retail units which are now operating. The site itself is vacant and comprises a flat hardstanding area. It is separated from the new housing by a noise attenuation bund and acoustic fencing. There is no physical connectivity between the residential development and the site.
- 1.4 Land on the three remaining sides of the site is entirely commercial in nature comprising manufacturing and trade premises and they form part of the larger Nerston Industrial Estate. Located to the southern boundary is an existing industrial unit operated by a packaging manufacturer, Multi Packaging Solutions (MPS), with vehicle access via Leesburn Place.

2 BACKGROUND

- 2.1 The overall Rolls Royce site was identified as a Development Framework Site (DFS) in the South Lanarkshire Local Development Plan 1 (SLLDP1) adopted in 2015. The Development requirements for the site were set out in Appendix 3 of the Plan. The site was to comprise a mixed use development including industry/business/commercial uses with a masterplan required to demonstrate how proposed uses would integrate with adjoining land uses. In addition the Proposals Map identified the entire former Rolls Royce site as Green Network to indicate that green network provision would be required in the redevelopment of the site.
- 2.2 Planning Application EK/15/0408 for a mixed use development (including residential, employment and retail uses), landscaping, parking and associated infrastructure was submitted in December 2015 after SLLDP1 was adopted. It included a masterplan showing the majority of site being identified for residential development with a retail area in the north east corner and an employment area on the north western part of the site (the land the subject of this planning guidance). The application was approved in September 2016. As the residential and retailing elements of the masterplan have been largely implemented the planning permission is extant.
- 2.3 A plan showing the approved masterplan layout is attached as Plan 2. It shows that the primary access to the employment land would be from Leesburn Place through the existing site occupied by Multi Packaging Solutions with a secondary access also proposed from Law Place for service vehicles. A landscape buffer, in the form of a bund, to separate the proposed and existing employment from the new residential development to the east is also identified.
- 2.4 The planning permission was subject to conditions limiting the use of the employment area to classes 5 and 6 (General Industrial and Storage/Distribution) and the number of housing units on the residential element to 354. This was based on the outcome of the Transport Assessment submitted with the application.
- 2.5 Preparation of the proposed SLLDP2 started in 2016 by which time work had commenced on the housing element of the masterplan and planning permission granted for the retail element. As a result the Development Framework Site designation was no longer required. The DFS designation covering the site was therefore removed in the proposed SLLDP that was published for public consultation in June 2018. The Proposals Map that now forms part of the adopted SLLDP2 designates the residential and retail areas in the masterplan site as part of the Housing Land Supply and an Out of Centre Commercial Location respectively. Following the quashing of the part of the plan that relates to the site which is the subject of this guidance there is not a specific land use designation attached to this land.
- 2.6 Following approval of the masterplan, the site was included in the industrial land supply in 2018 as a potential marketable site and this has remained the case since then. This reflects the Council's position that it was intended to be designated for industrial/business use in terms of LDP policy. In addition, an application has not been made to amend the approved masterplan in terms of alternative uses for the site.

3. PLANNING POLICY AND GUIDANCE

3.1. Government Policy and Guidance

- 3.1.1. The Scottish Government's central purpose is to create a more successful country by increasing sustainable economic growth and this is reflected in its commitment to achieving sustainable development. Scottish Planning Policy 2014 introduces a presumption in favour of development that contributes to sustainable development.

This is to be guided by a number of principles including giving due weight to net economic benefit of proposals; responding to economic issues, challenges and opportunities; making efficient use of existing land, buildings and infrastructure; and supporting climate change mitigation and adaptation. The planning system should promote business and industrial development that increase economic activity and allocate sites that meet the diverse needs of the area and give due weight to the net economic benefit of proposed development. It should also identify a generous supply of land for each housing market area to achieve housing land requirements across all tenures by maintaining at least a 5 year supply of effective housing land at all times. Government guidance 'Designing Streets' and 'Creating Places' stresses the importance of good design in achieving a wide range of social, economic and environmental goals, making successful and sustainable places that will contribute to viable and vibrant communities.

- 3.1.2 The Scottish Government published its draft National Planning Framework 4 (NPF4) for consultation in November. When this is approved by Scottish Parliament it will have the status of being part of the Development Plan alongside the LDP. The draft document sets out the Government's national spatial strategy for Scotland to 2045. A clear aim is to support new and expanded businesses and investment, stimulate entrepreneurship and promote alternative ways of working in order to build a wellbeing economy. LDPs are to include proposals to meet requirements for employment land, infrastructure and investment that supports a greener, fairer and more inclusive wellbeing economy. In addition, a deliverable housing land pipeline should be established to ensure sufficient land is allocated to meet the Housing Land Requirement that create quality places for people to live.

3.2. Development Plan

- 3.2.1 The overall strategic vision of SLLDP2 is to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment. The objective is to encourage development in the right place, at the right time and of the right quality. The location and nature of the regeneration and growth priorities in SLLDP2 play a significant role in achieving the plan's vision and objectives. This approach will also contribute to the delivery of the Council's Economic Strategy which aims to support investment in appropriate business locations. These priorities are then complemented by the plan's commitment to environmental protection and enhancement including the identification and maintenance of a strategic and local Green Network. The site is bounded on three sides by land designated as a Core Industrial and Business Area (ie Nerston Industrial Estate).

4. LAND USE

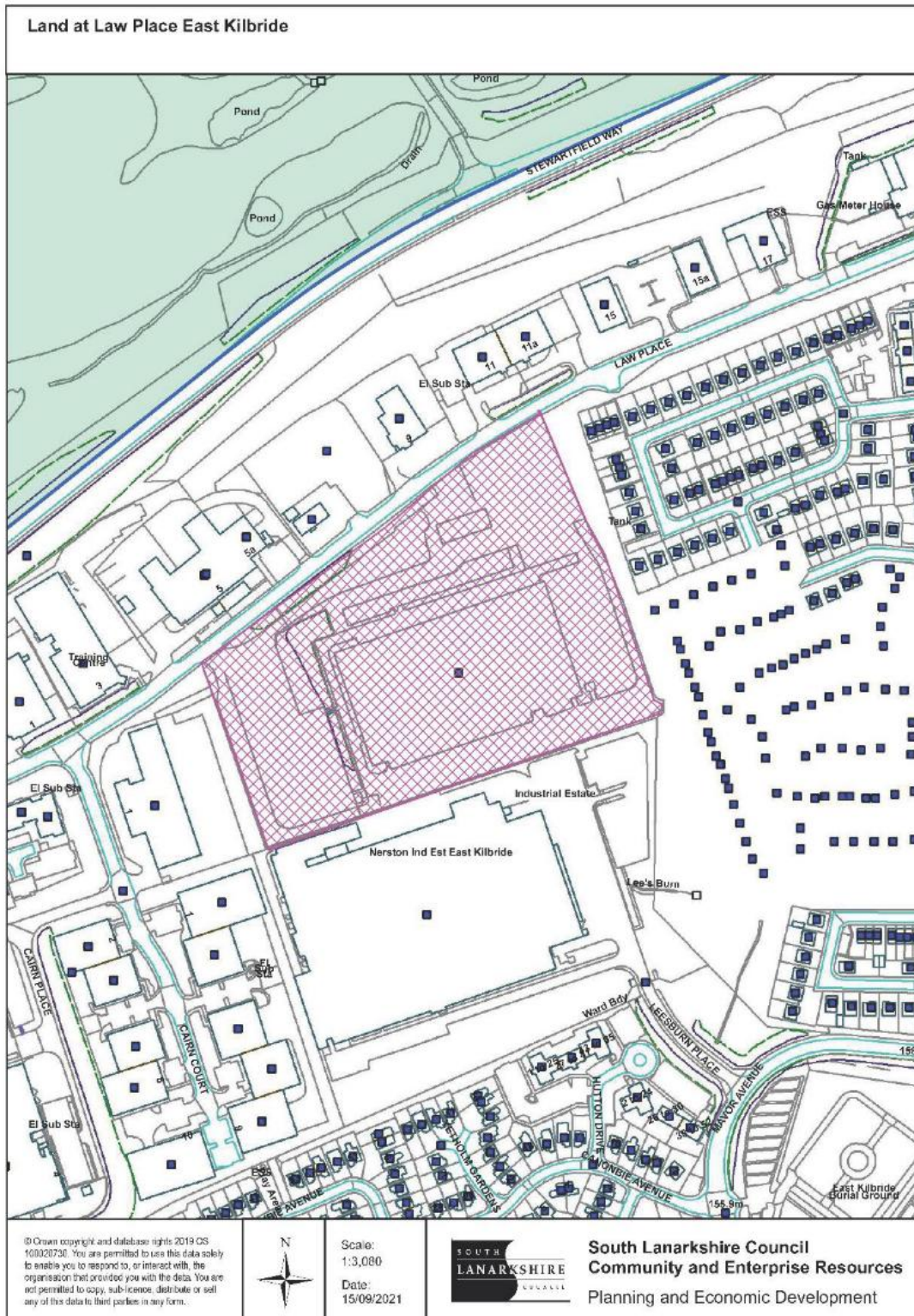
- 4.1 Section 2 of this guidance describes the planning history of the site including the policy background which led to the initial designation of the former Rolls Royce site as a Development Framework Site in SLLDP1; the subsequent granting of planning permission for a mixed use development which led to the approval of a masterplan identifying this part of the site for employment use; and the subsequent inclusion of the land in the industrial land supply as a potentially marketable site.
- 4.2 An analysis of the East Kilbride Industrial Land Supply carried out in July 2021 shows that there has been a 37% reduction in the overall marketable supply since 2015 (27.45 hectares now compared to 43.44 hectares in 2015). This change is partly due to take up of land for employment uses as well as sites being developed or reallocated for alternative uses.

- 4.3 Since 2015 a total of 6.35 ha has been developed for industry and business in East Kilbride, an annual average of just over 1 ha per annum. In addition, a number of the sites within the current industrial land supply already benefit from extant planning consent and may be developed in the short term. This results in just under 12 hectares of unconsented land being available for new industrial/business development. Many involve small plots within the Scottish Enterprise Technology Park and are only suitable for smaller class 4 type developments. The availability of larger sites for class 5/6 uses is more limited, particularly in the northern part of East Kilbride.
- 4.4 Recent developments and proposals indicate there is still a demand for larger sites in East Kilbride both for speculative and bespoke developments. These include the development of 4.5 hectares at College Milton for a whisky blending centre; development of class 4/5/6 speculative units at plot 1 Kelvin South (0.8ha) and the recent application for a vehicle storage and distribution centre on the former Freescale site at Kelvin industrial estate (12 ha).
- 4.5 In addition, the Strategic Business case for the Stewartfield Way City Deal project was updated in June 2021 and this site is one that is identified as contributing to the economic outputs that the Stewartfield Way project will deliver. These proposals would improve the transport network at the two roundabout junctions between the exit to the East Kilbride Expressway and up to and including the Kingsgate Retail Park and dual the road from Kingsgate Retail Park to James Hamilton heritage Loch which will help increase the road network capacity and improve the attractiveness of the site to investors. There is an increased level of enquiries for industrial sites that are well located, particularly in relation to key transport routes.
- 4.6 The site is bounded on three sides by existing employment uses and, as a result, the character of the area is commercial in nature. As a result, it is considered that the redevelopment of the site for uses within classes 5 and 6 of the Use Classes Order is appropriate. The extant planning permission precludes the inclusion of Class 4 Business uses due to the impact of vehicular access being taken directly onto Law Place and the increase in traffic generation on the wider road network. In land use terms the introduction of class 4 use would be acceptable in principle however proposals would be required to show any adverse traffic impacts could be mitigated through an update of the previous Transport Assessment.
- 4.7 In terms of alternative uses, SLLDP2 was adopted in April 2021 and identifies a minimum 5 year effective housing land supply is available throughout the lifetime of the plan as required by Scottish Planning Policy. The site was not submitted during the 'call for sites' stage of the preparation of LDP2 and has not been allocated as a new housing site in SLLDP2. Policy 11 – Housing states that if, during the lifetime of the plan, a shortfall in the 5 year supply of effective land is identified, the Council may support development proposals that are effective and capable of meeting the identified shortfall. This would be in the following order of preference;
- Non-effective sites now shown to be effective
 - Urban capacity sites
 - Additional brownfield sites
 - Sustainable greenfield sites.

There is currently no identified shortfall in housing land supply in the East Kilbride Housing Market Area and therefore Policy 11 is not invoked.

- 4.8 The planning permission for the wider Rolls Royce site is subject to a condition that limits the number of housing units that could be developed to 354. This was in

recognition of the impact additional units would have on the local road network. Proposals would therefore have to demonstrate through an update of the earlier Transport Assessment that any adverse impact could be mitigated. Furthermore, the site is bounded on three sides by existing industrial and business use which would mean new housing would be out of keeping with the character of the surrounding area which is a long established employment base for East Kilbride. In particular the site is immediately adjacent to noisy industrial activity that operates on a 24 hour basis to the south. As a result, housing development on the site would not be appropriate.



Plan 2



Land at Law Place, East Kilbride

Development Brief

Description of site and surroundings

The site is located on Law Place within the northern part of East Kilbride. It is bound on three sides by existing industrial units and trade business premises which comprise Nerston Industrial Estate. These units are accessed off Law Place which is the main distributor road through the industrial estate as well as the secondary roads Cairn Court and Leesburn Place. To the east is a residential development of 354 units that is under construction and largely complete. There are also two retail units that are operational. The new housing and retail units are accessed off Mavor Avenue via a new roundabout on Law Place. The adjacent dwellings are separated from the site by an acoustic bund with associated fencing. The bund runs the entire length of the eastern boundary with no physical connectivity between the residential development and the site. Further to the west of the site, located at the junction of Cairn Court and Law Place, are 4 storey flatted dwellings located on elevated ground.

The site is approximately 25 hectares in area and is generally flat, although there is a drop in levels into the site from Law Place along the northern boundary. There is an existing vehicular access to the north-west corner of the site off Law Place that served former buildings. The land has been cleared of buildings associated with the former Rolls Royce activity. A linear group of trees through the site running north to south has been retained. There are also several groups of trees and remnants of mature hedgerows along the northern boundary with Law Place and along the boundaries to the south and west of the site.

In the wider locality Kingsgate Retail Park and other large retail units are located to the north east of the site. East Kilbride Town Centre is approximately 2km to the south of the site. Within the Town Centre is a multi-terminal for buses, providing links to the local area and neighbouring towns. East Kilbride is served by two railway stations which provide a frequent rail service to Glasgow. The site is close to the A725 which provides direct access to the M74. Stewartfield Way which is within 2 minutes drive of the site provides access to the Southern Orbital and the M77 to the west. The A746 to Cambuslang and Rutherglen is also close. The adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies East Kilbride as a Community Growth Area and as such the settlement will continue to see expansion and improvement of facilities.

Planning policy and appropriate land use

The planning policy context at a national level (Scottish Planning Policy 2014 and the draft NPF4) and a local level (South Lanarkshire Local Development Plan adopted in April 2021) is described in section 3 of the Supporting Planning Guidance for the site. Taken together with the planning history of the site and the matters described in section 4 of the SPG it is considered that the redevelopment of the site for uses within classes 5 and 6 are appropriate; consideration will be given to the introduction of class 4 uses where it can be demonstrated that the impact of proposals on the wider road network can be mitigated.

Proposals are also expected to comply, where relevant, with the following adopted local development plan policies:

Volume 1	Volume 2
1 – Spatial Strategy	
2 – Climate Change	SDCC2 – Flood Risk SDCC3 – Sustainable Drainage Systems SDCC4 – Sustainable Transport SDCC6 – Renewable Heat SDCC7 – Low and Zero Carbon Emissions from New Buildings
5 – Development Management and Placemaking	DM1 – New Development Design DM15 – Water Supply DM16 – Foul drainage and sewerage DM17 – Air Quality
8 - Employment	ICD2 – Non-conforming uses in core industrial/business areas
11 - Housing	
13 – Green Network and Greenspace	
14 – Natural and Historic Environment	NHE18 – Walking, Cycling and Riding Routes NHE20 - Biodiversity
15 – Travel and Transport	
16 – Water Environment and Flooding	

The link below is to the adopted SLLDP2 on the Council's website https://www.southlanarkshire.gov.uk/info/200145/planning_and_building_standards/39/development_plans/2

Development guidance

Scale and design of new buildings

The immediate streetscape is predominantly commercial in nature comprising of trade and industrial units, and it would be expected for a similar proposed use to visually integrate with the existing character. However, the neighbouring residential development to the east will require the developer to take due cognisance of the impact on visual and residential amenity. Any proposal must reflect the physical characteristics of the site, particularly its relationship with neighbouring properties and ensure that they are not adversely impacted upon through overlooking, overshadowing or overwhelmed by physical presence, or as a result of noise and activity from adjoining uses.

The scale of any building should ensure that it does not physically or visually dominate the 2 storey residential dwellings located along the eastern boundary. This will require

careful siting and design and should also mitigate the impact on overshadowing and loss of daylight. The developer should consider the need for external lighting to ensure this does not cause light disturbance to the enjoyment of the residential properties. The materials of any building should be sympathetic to the visual appearance of neighbouring residential properties and should consider a mix of materials or the use of appropriate colours that would add visual interest and be of an acceptable quality.

Noise impact

The extant planning permission included proposals for the creation of a bund and acoustic fencing between the new housing and the site and they have been implemented. The layout of the new housing also took into consideration the proximity of houses to the potential employment uses within the site. Nevertheless, the developer will be required to submit an updated noise impact assessment to consider the impact of proposed development on the new dwellings to the east and the existing flatted dwellings to the west of the site at the junction of Cairn Court and Law Place. The existing acoustic bund along the eastern boundary will provide a level of mitigation, however further mitigation may be required based on the outcome of the assessment and recommended conclusions. The scope of the assessment should include activity from the proposed development, existing neighbouring businesses, and traffic generated noise. The report should focus on the impact to the neighbouring residential properties, and to ensure that predicted noise levels are within acceptable limits to prevent an adverse impact on residential amenity.

Transport and traffic

A Transport Assessment or Transport Statement may be required to be carried out depending on the scale and type of uses proposed. The requirement for a TA is established by the thresholds set by Transport Scotland. Early discussion should take place with Roads and Transportation Services to determine the need for this and in order to agree scoping.

The approved masterplan shows the primary access to the site would be taken from Leeburn Place through the existing site occupied by Multi Packaging Solutions with a secondary access proposed from Law Place for service vehicles. The preference is for this arrangement to be incorporated into proposals for the site. In the event this is not achievable due to the inability to gain control of the land primary access from Law Place will be considered providing adequate sightlines and junction spacing can be achieved. In this respect minimum visibility splays of 4.5m x 60m in both directions with nothing over 0.9metres in height when measured above the adjacent road channel level will be required. Appropriate junction spacing should be provided, and this should be discussed with Roads and Transportation Services. In addition, a 2m footway should be provided along the Law Place frontage.

Future development of the site will also require to take due cognisance of the ground levels adjoining the site, in particular, the elevated ground along Law Place should an amended vehicular access arrangement be required. Achieving a suitable road gradient, visibility splay, and functional design may require ground works to be carried out. If this is the case consideration, should be given to the need and design of retaining features. The maximum gradient, rising or falling, on the internal access road shall be limited to

2% for a minimum distance of at least 12m from the nearside channel line of Law Place. Thereafter the maximum gradient of carriageway with a flexible surface shall be 8% and for shared surface areas shall be 7%.

The National Roads Development Guide provides detailed criteria on issues such as vehicular access requirements and car parking provision which will be applicable to development of the site.

Active travel

Active travel and the availability and/or provision of public transport facilities should be a fundamental design element of new development. Proposals should therefore promote opportunities for travel by sustainable transport modes. Applications should be accompanied by an active travel plan outlining arrangements to encourage all employees to engage in the use of more sustainable travel modes to reduce the reliance on private car trips. Proposals should incorporate cycling parking and storage and have regard to core paths in the area. An active travel study for East Kilbride has been completed and developers should take this into account.

Climate change

Development proposals are expected to minimise and mitigate against the impact on climate change and reduce greenhouse gas emissions. In particular the following should be taken into consideration in the design process;

- The use of renewable energy sources
- The incorporation of low and zero carbon energy generating technologies
- The avoidance of flood risk within the site and land and property outwith
- The protection of ecosystems by ensuring there is no adverse impact on the water and soil environment, biodiversity and air quality
- Include opportunities for active travel
- Incorporate opportunities to create and enhance green infrastructure
- Provide electric vehicle charging infrastructure. The number required will be based on the number and type of vehicles accessing the site. The developer should ensure that these charge points are located outwith parking bays. The onus is on the developer to meet costs of installation and to agree grid capacity with Scottish Power Networks. Further guidance can be found in Supporting Planning Guidance on Electric Vehicle Charge Points.
- Minimise waste through the provision of appropriate recycling, storage and collection points
- Consider whether the proposals can be connected to heat networks

Air quality

The site is located adjacent to a South Lanarkshire Council Air Quality Management Area (AQMA) at Whirlies Roundabout, East Kilbride. Given the size and location of the site, an Air Quality Impact Assessment (AQIA) is required to be submitted. This assessment should focus on what impact development would have on the AQMA, and include details such as use of the site, scale of development, and numbers and type of associated vehicles. The information submitted would enable an assessment of the

change in light duty vehicle movements on the local roads network and would be taken into account in the AQIA which would then work out potential increase on local air pollution. The results would be compared with the National Air Quality objectives and determine the impact of the development on the area and its significance.

Green network

Policy 13 Green Network and Greenspace of SLLDP2 states that new development proposals within affected areas should safeguard the green network and identify proposals for enhancement. The green network can contribute positively to issues such as: mitigating greenhouse gasses adapting to the impacts of climate change; improving air quality and providing water management including flood storage. Although the site contains minimal landscaping at present, any development should positively contribute towards the Green Network objective, with the formation of green landscaping, and consideration to the installation of green and living roofs. Detailed proposals of how this will be achieved must be submitted with any planning application.

Broadband connection

As required by Policy DM1 – New Development Design (Criteria 13), any new development proposals should be designed in such a way as to incorporate high speed broadband connection. To achieve this, developers are now required to install full fibre ducting during the construction phase. This will prevent the road network being dug up at a later date. The installation of (optional) multi fibre ducting would enable a greater choice of service providers.

Flood risk

The Council's Developer Design Guidance: Flood Risk Assessments and Sustainable Drainage Systems (May 2020) highlights the requirements in respect of Flood Risk Assessment and Drainage Strategy for development sites. This guidance should be referred to by the developer when producing their drainage design taking account of future maintenance access and responsibilities. The guide also informs the level of information required in support of future planning submissions.

Historical mapping data indicates the potential for the Lees Burn to have been culverted below or in close proximity to the site boundary. The developer is responsible for satisfying themselves as to the alignment, depth and condition of the culverted section and demonstrate that their design proposals do not impinge on the culvert. Early discussion should take place with the Council's Flood Risk Management team to determine the need for additional information in support of any future planning application.

Water Supply and Waste Water treatment

Contact should be made with Scottish Water early in the development process to discuss the current capacity of their system to accommodate development.

Ground conditions

The site formed part of the wider Rolls Royce industrial complex and therefore consideration of the impact of the former use on ground conditions will be required to be addressed. Any planning application shall include a comprehensive site investigation to be carried out in accordance with the advice given in the following:

- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995);
- Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency;
- BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.

If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model should be prepared and these linkages subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted. If the risk assessment identifies any unacceptable risks, a detailed remediation strategy will be required.

Report

18

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Fees for Planning Applications - Update
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Inform Committee of changes to fees for planning applications following publication of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022.
- ◆ Seek approval for the recommendations in relation to discretionary charging; the waiving or reducing of fees; and applying a surcharge for retrospective applications as set out in paragraph 5.3 of the report.

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the recommendations in relation to discretionary charging; the waiving or reducing of fees; and applying a surcharge for retrospective applications, as set out in paragraph 5.3 of the report, be approved.

3 Background

3.1 The Planning (Scotland) Act 2019 received Royal Assent in July 2019. During consultation on the likely provisions of the Act, the Scottish Government highlighted that it sees the planning system as being central to support the objective of creating a more successful country with opportunities for all to flourish through increased wellbeing and sustainable and inclusive economic growth. The planning system has a key role in achieving this goal and the new legislation puts in place a range of new statutory duties and measures to make it more efficient and effective and ensure it is capable of providing a high quality service. Among other things, the Act places annual performance reporting by planning authorities on a statutory basis and introduces the role of a National Planning Performance Co-ordinator. The Government has also recognised that resourcing is an important element in improving performance and service quality and the Act introduced powers to widen the scope of services for which fees can be charged and waive/reduce fees.

3.2 Resourcing of the planning system has been a key issue since the economic downturn in the late 2000s. This led to the Government increasing the maximum fee for a planning application to £125,000 in 2017. However, figures from 2019 indicate planning application fees still account for on average only 63% of the cost of determining an application. In response to this issue, the Government published a consultation paper on Planning Performance and Fees on 18 December 2019. The paper stated that the aim was to close the gap between fee income and the cost of processing of applications which in turn should free up resources for the remainder of the planning service. This could involve the recruitment of additional staff to address new themes emerging from the Act (see 3.3 below) and the Government's Programme for Scotland, training and investment in digital systems.

3.3 The planning service is responsible for other statutory duties that do not attract fees. These include:-

- ◆ the preparation of a Local Development Plan
- ◆ Open Space Strategy and Play Sufficiency Assessment
- ◆ the planning enforcement function
- ◆ input into strategic development planning at a City Region level
- ◆ the ability of community bodies to prepare Local Place Plans

A separate report is on the agenda for this committee seeking approval for the Council's response to current consultations by the Scottish Government on the draft National Planning Framework 4, changes to the way in which Local Development Plans are produced and the introduction of new statutory duties to prepare Open Space Strategy and Play Sufficiency Assessment. The Royal Town Planning Institute has estimated that the additional burdens placed on the planning system by the 2019 Act has resulted in 49 new requirements for planning authorities which in turn is estimated to result in up to £59m worth of additional demand on the planning service which has not been funded by the Scottish Government.

The Planning Service is also involved in providing a wide range of non-statutory services such as providing advice and guidance to members of the public, elected members, other parts of the Council and outside organisations; it is also at the forefront of helping deliver Council projects and priorities. In addition, the Act introduces a particular requirement for spatial and community planning to work more closely; moreover it is clear that the planning system will be at the forefront of delivering on the climate emergency and nature crisis, improving health and wellbeing and supporting the placemaking agenda and the creation of 20 minute neighbourhoods – all new themes for the planning system to address.

3.4 The Planning Committee approved the Council's response to the consultation on fees and performance at its meeting on 11 February 2020 and this was duly submitted to the Scottish Government.

4 Current position

4.1 The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 were laid before the Scottish Parliament on 11 February 2022 and will come into force on 1 April 2022. A number of different issues arise from the new regulations

4.2 Fees for applications for planning permission and applications for the approval of matters specified in conditions

A range of changes are proposed to the planning application fee regime. For the most common types of application received these are summarised as follows:-

- ◆ Fees for applications for householder development will increase from £202 to £300.
- ◆ For applications for permission in principle
 - at present where the site area does not exceed 2.5 hectares, £401 for each 0.1 hectare;
 - where the site area exceeds 2.5 hectares, £10,028 plus £100 for each 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £62,500.

The figures have been increased to £600 and £300 respectively with a maximum fee payable now £75,000.
- ◆ For detailed applications for new residential development, at present the fee is calculated on the basis of £401 for each unit where the number of dwellinghouses to be created does not exceed 50; plus £200 for each dwellinghouse in excess of 50, subject to a maximum in total of £124,850.
 - Going forward – for developments of less than 50 units £600 will be charged for the first 10 units and £450 for each house above that number. For developments of more than 50 units, £250 will be charged for each house in excess of 50 subject to a maximum of £150,000.
- ◆ For the erection of buildings other than houses, the fee is calculated on the basis of the floor area to be created ie
 - where the area of gross floor space to be created by the development exceeds 40 square metres but does not exceed 75 square metres, £401;
 - where the area of gross floor space to be created by the development exceeds 75 square metres but does not exceed 3,750 square metres, £401 for each 75 square metres (or part thereof); and
 - where the area of gross floor space exceeds 3,750 square metres, £200 for each 75 square metres (or part thereof), subject to a maximum in total of £125,000.

Under the new regulations

- where the area of gross floor space to be created by the development exceeds 50 square metres but does not exceed 100 square metres, £600;
 - where the area of gross floor space to be created by the development exceeds 100 square metres - £600 plus £600 per 100 square metres up to 4,000 square metres
 - where the floor area exceeds 4,000 square metres, £24,000 plus £300 per 100 square metres subject to a maximum of £150,000.
- ◆ The fee for a material change of use of buildings or land is currently a flat fee of £401. The new regulations now differentiate between land and buildings and also introduce a sliding scale of fee depending on the floor space of the building or, in the case of land, the site area as follows:-
 - For buildings where the floor area is less than 100 square metres, a fee of £600 is payable. Where the floor area does not exceed 4,000 square metres - £600 plus £600 per 100 square metres. Where the floor space exceeds

4,000 square metres - £24,000 plus £300 per 100 square metres up to a maximum of £150,000.

- For land the fee is calculated as £500 per 0.1 hectare up to a maximum of £5,000.
- The fee for a change of use involving the creation of houses will be calculated as £600 per unit for up to 10 units; £450 per each unit involving the creation of up to 50 units; and, where more than 50 units would be formed, £23,550 plus £250 per unit in excess of 50.
- ◆ For wind farms a new category is introduced whereby the fee is calculated on the basis of £500 per 0.1 ha up to a maximum of £150,000.

Work has been carried out to apply the new fee regime to the more common types of application the Council receives over the last three years. The outcome of that exercise is set out in the following tables.

2019/20	Income – current charges	Income – new charges applied
Householder	£131,360	£195,600
Housing (up to 50 units)	£489,334	£628,020
All major developments	£333,585	£467,800
Wind farms	£151,868	£182,500

This represents a 39.3% increase in income if the new charges are applied.

2020/21	Income – current charges	Income – new charges applied
Householder	£154,272	£229,200
Housing (up to 50 units)	£268,375	£375,300
All major developments	£211,280	£273,750
Wind farms	£1,800	£8,000

This represents a 33.3% increase in income if the new charges are applied.

2021/22	Income – current charges	Income – new charges applied
Householder	£173,316	£257,400
Housing (up to 50 units)	£221,485	£309,600
All major developments	£565,638	£608,409
Wind farms	£215,754	£156,500

This represents a 13.6% increase in income if the new charges are applied.

NB: The Council also received fees from the Scottish Government in relation to consultations on applications for windfarms under section 36 of the Electricity Act of £152,000 and £126,000 for 2020/21 and 2021/22.

Over the three years applying the new fee regime, would have resulted in an overall increase of 26.7% in relation to the application types investigated.

4.3 Discretionary charges

The new regulations permit Planning Authorities to charge a fee for a service in relation to the carrying out of some of its functions as follows.

Where a request is made to the Council to vary a planning permission under section 64 of the Act (more commonly known as a non-material variation (NMV)) a fee of £200 for each request may be charged. Research has shown that applying this fee rate to applications for NMV over the last three years would have resulted in income of £19,200, £17,800 and £16,400 respectively. It is therefore considered that this charge should be introduced.

Considering a request for compliance with a condition imposed on the grant of planning permission can attract a fee of £100 per request. It has not been possible to calculate the effect of the introduction of this charge as data is not available. However discharging conditions can be complex involving significant officer time and often involves consultation with other services and external organisations. It is therefore considered that this charge should be introduced and that it apply to each individual condition that the developer is seeking to discharge.

In both cases a start date of 1 May 2022 is considered appropriate to allow information to be published in advance and for processing systems to be updated to allow the charging of fees to become part of the decision making process.

Finally, a Planning Authority can now impose a charge for carrying out pre-application discussions. However, before doing so, the Planning Authority must publish information setting out the services for which a fee is to be charged; how fees are to be calculated; and under what circumstances the charge may be waived or reduced. Charging for pre-application discussions is considered appropriate and the Planning service will seek to introduce this in the near future. A further report will be presented to a future meeting of the Planning Committee setting out how it is intended this charge will be introduced.

4.4 Waiving or reducing fees

The regulations allow the Planning Authority to waive or reduce a planning application fee where the primary purpose of the application is either to contribute to a not for profit enterprise or a social enterprise; or where it is likely to contribute to improving the health of residents of the area in which the application relates. However before doing so a charter setting out the circumstances in which the waiving or reduction of fees will be considered must be published. Further research into this matter is required and therefore it is intended a further report will be presented to a future meeting of the Planning Committee with an update on this matter.

4.5 Applying a surcharge – retrospective applications

Planning authorities are now able to apply a surcharge on retrospective applications. The 2019 consultation suggested that this could result in a doubling of the normal application fee and this was supported by the Council in its response. However the new regulations states that it should be no more than 25% of the level of fee that would normally apply. This is disappointing and it is unlikely to be a strong deterrent for those wilfully carrying out unauthorised development.

The regulations require a planning authority to publish information on how the surcharge is to be calculated and under what circumstances a surcharge may be imposed. In addition the surcharge is to apply only from 1 October 2022 onwards. As a result it is intended to bring a further report to a future meeting of the Planning

Committee with an update on this matter in time for the approved details to be implemented by that date.

5. Next Steps

5.1 The revised fees for planning applications will take effect on 1 April 2022. The Council's website will be updated to reflect these changes and further publicity alerting developers and agents will be carried out as appropriate.

5.2 Whether the fee increases will result in closing the gap between fee income and the cost of processing of applications and in turn free up resources for the delivery of other statutory duties in terms of the tasks described in section 3.3 above remains unclear. The Scottish Government has set out an ambitious and aspirational strategy for the planning system to deliver many of its wider ambitions which will require adequate resourcing in order to successfully achieve the change it seeks to deliver. As a result development proposals will become more complex at a time of increasing workloads. In addition there is nationwide issue in relation to the skills required to meet this challenge. At the same time 49 new duties have been introduced by the 2019 Act. CoSLA and the Heads of Planning Scotland consider the new fee regulations should be seen as an interim position and have lobbied for a commitment to full cost recovery within this Parliamentary period. The Planning Committee will be informed of any future additional changes to the fee regulations.

5.3 In terms of the other changes introduced by the new regulations the following is set out as a recommendation for committee to consider and agree:-

- ◆ That the introduction of a fee of £200 for dealing with each request for a non-material variation of a planning permission (under section 64 of the Act) and a fee of £100 for the discharge of each individual condition attached to a planning permission be agreed. These charges are to be introduced from 1 May 2022.
- ◆ That the ability to impose a surcharge of 25% for retrospective applications from 1 October 2022 is noted. A further report will be presented to a future meeting of the Planning Committee seeking approval of information in relation to how the surcharge is to be calculated and under what circumstances a surcharge may be imposed, as required by the Town and Country Planning (Fees for Applications) (Scotland Regulations 2022
- ◆ That a further report be presented to a future meeting of the Planning Committee updating members on research that has been carried in relation to waiving and reducing fees for applications that contribute to a not for profit enterprise or a social enterprise or where it is likely to contribute to improving the health of residents of the area in which the application relates; and seek approval as appropriate of a charter setting out the circumstances in which the waiving or reduction of fees will be considered. This is as required by the Town and Country Planning (Fees for Applications) (Scotland Regulations 2022
- ◆ That a further report to be presented to a future meeting of the Planning Committee setting out proposals for the introduction of charging for pre-application discussions. This will include seeking approval for information relating to the services for which a fee is to be charged; how fees are to be calculated; and under what circumstances the charge may be waived or reduced as required by the Town and Country Planning (Fees for Applications) (Scotland Regulations 2022

6. Employee Implications

6.1 The Scottish Government has advised that the increase in fees should result in full cost recovery for the processing of planning applications. However it does not address the cost of other statutory duties including the preparation of Local Developments and

Open Space Strategies and the enforcement function. Any investment in the planning service will likely be predominantly in terms of the retention and/or recruitment of staff and the procurement of specialist advice where appropriate to meet increasing planning applications workloads and the new statutory duties imposed by the 2019 Act; additional officer training in order to improve skills awareness of a range of new themes in order to deliver the ambitions of the reformed planning system; and the introduction of digital systems to implement these ambitions.

7. Financial Implications

- 7.1 The increase in fees for planning applications would result in additional income of approximately £450,000 if the proposals are applied to applications received since April 2019. These are estimates based on this time period and the sum could rise or fall, depending on performance of the economy and the number and type of applications submitted.

8. Climate Change, Sustainability and Environmental Implications

- 8.1 The planning system will have an increasingly key role in addressing the climate emergency and nature crisis agenda. Investing additional income in resources within the planning service will contribute to meeting these aims.

9. Other Implications

- 9.1 There are no significant risks associated with the recommendations contained in this report.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 The Scottish Government carried out consultation on its proposals for amendments to the regulations on planning application fees in early 2020. This included an Equality Impact Assessment. Further consultation and assessment is not required.

David Booth

Executive Director (Community and Enterprise Resources)

17 March 2022

Link(s) to Council Values/Ambitions/Objectives

- ◆ Demonstrating governance and accountability
- ◆ The efficient and effective use of resources and managing and improving performance

Previous References

- ◆ None

List of Background Papers

- ◆ Planning (Scotland) Act 2019
- ◆ Scottish Government Consultation on Planning Performance and Fees – Report to Planning Committee 11 February 2020
- ◆ Town and Country Planning (Fees for Applications) (Scotland Regulations 2022)

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Report

19

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Scottish Government Consultations: 1. National Planning Framework 4 2. Local Development Plan Regulations and Guidance 3. Open Space Strategies and Play Sufficiency Assessments Regulations
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ advise the Planning Committee of the current Scottish Government consultations on the draft National Planning Framework 4; Local Development Plan Regulations and Guidance; and Open Space Strategies/Play Sufficiency Assessments Regulations
- ◆ seek approval for the responses to the consultations as set out in appendices 2 to 4 to the report

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the proposed responses to the current Scottish Government consultations on the draft National Planning Framework 4; Local Development Plan Regulations and Guidance; and Open Space Strategies/Play Sufficiency Assessments Regulations, as set out in appendices 2 to 4 to the report, be approved for submission to the Scottish Government.

3. Background

3.1 The Planning (Scotland) Act 2019 that received Royal Assent in July 2019 places the planning system in a central role in support of the Scottish Government's objective of creating a more successful country with opportunities for all to flourish through increased wellbeing and sustainable and inclusive economic growth. The new legislation puts in place a range of new statutory duties and measures to achieve this. The Scottish Government are currently carrying out consultation on three key areas that will inform delivery of their ambitions through the planning system. The background to each is summarised as follows;

3.2 National Planning Framework 4

3.2.1 The National Planning Framework 4 (which will represent the Government's national planning policy when it is approved) will, under the 2019 Act, have a new enhanced status as part of the development plan alongside the Council's Local Development Plan once it is approved. All planning decisions (the preparation of Local Development Plans and the determination of planning applications) will have to accord with NPF4. The Act defines six outcomes NPF will be required to achieve:-

1. Improving the health and wellbeing of the people.
2. Increasing the population of rural areas.
3. Meeting housing needs
4. Improving Equality and eliminating discrimination.
5. Meeting targets for emissions of greenhouse gases, and
6. Securing positive effects for biodiversity.

The Act includes for the first time a definition of the 'purpose for planning' which is "to manage the development and use of land in the long-term public interest". The long-term public interest includes anything contributing to sustainable development or achieving the national outcomes set out in the Community Empowerment Act. The latter point reflects one of the overarching aims of the Government is to strengthen links between spatial and community planning.

3.2.2 A Position Statement was published in November 2020 which set out the Government's thinking on planning matters and the Council responded to a consultation on this document in February 2021. A draft NPF4 was laid before the Scottish Parliament on 10 November 2021 for 120 days during which it will undergo scrutiny. At the same time a public consultation was published with a closing date for responses of 31 March 2022.

3.3 New style Local Development Plans

3.3.1 The 2019 Act increases the timescales for the preparation of replacement LDPs from every 5 years to 10 years and changes to the way in which they will be prepared. This includes the need to produce an evidence report at the start of the process and submit it to the Scottish Government as part of a 'gatecheck' process; an increase in the number of matters that a LDP should address (for example an assessment of the sufficiency of play opportunities in the Council area for children [see 3.4.1 below] and the health/education needs of the area); and extended consultation and community engagement requirements (specific reference is made to children and young people).

3.3.2 A consultation on draft Regulations and Guidance was published on 17 December 2021 with a closing date for responses of 31 March 2022. Based on the Government's current timetable for implementing its planning reform programme it is anticipated work will start formally on Local Development Plan 3 in late Summer 2022. LDP3 will be seen as a corporate document and other services within the Council will be asked to contribute to its preparation.

3.4 Open Space Strategies and Play Sufficiency Assessments

3.4.1 The 2019 Act introduces a new statutory duty for Planning Authorities to prepare an Open Space Strategy (OSS) which will set out a strategic framework of the planning authority's policies and proposals on the development, maintenance and use of green infrastructure in their area, including open spaces and green networks. Open spaces and opportunities for play are key components in placemaking by helping create pleasant, liveable, healthy and resilient communities. Consideration of open space, green infrastructure, and play opportunities also supports the Governments ambitions for 20-minute neighbourhoods. In addition a Play Sufficiency Assessment (PSA) is to

be prepared as part of the Local Development Process. A consultation on draft Regulations for preparing an OSS and PSA was published on 17 December 2021 with a closing date for responses of 31 March 2022.

4 National Planning Framework 4

4.1 The Draft NPF consists of 4 parts, namely

Part 1 sets out a National Spatial Strategy for Scotland to 2045. The Strategy makes specific reference to the role the planning system has in achieving the target of net zero emissions by 2045; supporting nature restoration and recovery; and ensuring a just transition so that these outcomes are fair for everyone. The strategy is based around sustainable places (reduced emissions and restoration and better connectivity for biodiversity); liveable places (better, healthier lives); productive places (a greener, fairer and more inclusive wellbeing economy); and distinctive places (recognizing and working with our assets). A series of Action Areas for Scotland are defined. In the context of the South Lanarkshire most of the Council area is included as part of what is described as '*Central urban transformation*' aimed at transforming and pioneering a new era of low carbon urban living. The southern part of the Council's rural area merges into the Southern Sustainability Action Area where the aim is to create connected, liveable places which benefit from investment and innovation.

Part 2 - sets out the 18 National Developments which will support the Spatial Strategy. This designation means that the principle of the development does not need to be agreed during the planning application process. They include several all Scotland wide National Developments e.g. National Walking, Cycling and Wheeling; Digital Fibre Network; Strategic Renewable Electricity Generation and Transmission Infrastructure; and Circular Economy Materials Management Facilities. Within the SLC context they include

1. Central Scotland Green Network;
2. Urban Mass/Rapid Transit systems - 'Glasgow Metro';
3. Urban Sustainable Green/Blue Networks (Metropolitan Glasgow Strategic Drainage Programme;
4. High Speed Rail; and,
5. Clyde Mission.

Part 3 - is the National Planning Policy Handbook consisting of 35 policies which set out the policies for the development and use of land which are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. The first six policies are described as Universal policies which would apply to all planning decisions. The remainder are subject based policies which relate to specific land use topics. A list of policies is set out in Appendix 1 which shows the breadth of themes NPF4 will cover.

Part 4 - sets out an outline of how the Scottish Government will deliver this strategy. This will be developed into a standalone, live delivery programme once NPF4 has been approved and adopted. It recognises that investment in the planning service is key to this and makes reference to bringing forward increased planning fees in early 2022 in a move towards full cost recovery. A separate report on this issue is on the agenda for this committee. There is also reference to a review of the mechanisms for securing developer contributions

4.2 Spatial Principles to 2045

NPF4 set out six overarching principles in relation to where development should be located. These are

- a) Compact growth - limit urban expansion where brownfield, vacant and derelict land and buildings can be used more efficiently. Increasing the density of settlements to reduce the need to travel unsustainably and strengthen local living.
- b) Local living - create networks of 20 minute neighbourhoods to support local liveability, reduce the need to travel unsustainably, promote and facilitate walking and cycling, improve access to services, decentralise energy networks and build local circular economies. Virtual connectivity and active travel links will also be important.
- c) Balanced development - create opportunities for communities in areas of decline and manage development more sustainably in areas of high demand. In particular, enable more people to live and remain in rural areas, and to actively transform areas of past decline
- d) Conserving and recycling assets - protect and enhance existing assets with a focus on making productive use of existing buildings, places, infrastructure and services, locking in embedded carbon and minimising waste, and supporting Scotland's transition to a circular economy.
- e) Urban and rural synergy - improve green infrastructure to bring nature into towns and cities, connecting people with nature, building resilience and helping biodiversity to recover and flourish.
- f) Just transition - rapid transformation is required cross all sectors of our economy and society to meet climate ambitions. The journey to achieve this must be fair and create a better future for everyone. Local people will shape their places and transition to environmentally sustainable ways of living.

4.3. Drawing all of the above together a number of key themes can be identified;

Climate emergency

Climate change will be a guiding principle for all plans and decisions including emissions reduction and the adaptations needed to make places more resilient. As a starting point consideration of all development proposals should give significant weight to the Global Climate Emergency. All development should be designed to minimise emissions over its lifecycle; those that generate significant emissions either on their own or cumulatively will not be supported unless it can be shown the level of emissions is the minimum that can be achieved to make the scheme viable. Larger developments will require a whole-life assessment of emissions and identifying off setting measures will play a key role in this.

Nature Crisis

The planning system should facilitate biodiversity enhancement, nature recovery and nature restoration including by aiding the creation of mature networks and strengthening connections between them and restoring degraded habitats. New development will be expected to contribute to the enhancement of biodiversity and potential impact should be minimised through careful planning and design.

Human rights and equality

The planning system should respect, protect and fulfil human rights and seek to eliminate discrimination and promote equality. This includes consulting and engaging collaboratively, meaningfully and proportionately. The strong links between spatial and community planning will be important in ensuring this is achieved.

Community Wealth Building

Development plans are required to address community wealth building priorities through a people-centred approach to economic development by addressing economic disadvantage and inequality and providing added social value.

20 Minute Neighbourhoods

They are intended to ensure people meet the majority of their daily needs within a reasonable walk, cycle or wheel. New housing should be planned together with local infrastructure (schools, local shops, greenspaces and health and social care) to reduce the need for unsustainable travel. Development that contributes to the creation of walkable, liveable and thriving places that provide existing communities with access to a wide range of services should be supported. The empowering of communities through the use of the Place Principle will inform the outcome for every area.

Infrastructure First

This involves putting infrastructure considerations at the heart of place making to better inform land use and investment decisions. The infrastructure needs of new development should be understood early in the process (the LDP stage). LDPs should align with relevant infrastructure plans and policies.

Heat and Cooling

Heat networks contribute to net zero targets by using and storing heat from low or zero emission sources such as surplus or waste heat. LDPs will be required to take account of the Local Heat and Energy Efficiency Strategy and areas of heat network potential.

Business and Employment

Recovery from Covid allows the opportunity to consider the future economy and focus on supporting green jobs and businesses. The green economic recovery will support the building of a wellbeing economy. Investment should support the just transition to a net zero nature positive economy. Proposals for home working, live work units and community hubs are to be supported.

Health and Wellbeing

The aim is for places to support physical and mental health and wellbeing by reducing health inequalities and creating an environment that promotes active and healthier lifestyles. This can be achieved through the provision of health and social care facilities to meet the needs of communities. Access to good quality and safe green and blue infrastructure will be important.

Zero Waste

This highlights the role of the circular economy to manage waste and resources in a way that contributes to net zero and sustainability objectives and green recovery. New development should seek to reduce, reuse and recycle materials and aim to use materials with the lowest form of embodied emissions. The use of previously used sustainable, local and natural construction materials is encouraged.

Green Energy

The continued expansion of low carbon and net zero energy is a key contributor to net zero emissions by 2045. The energy sector has a significant role to play in reducing carbon emissions and contributing to a green, fair and resilient economic recovery. LDPs should seek to ensure an areas full potential for electricity and heat from renewable sources is achieved including support for repowering, extending and expanding existing wind farms.

Town centres

The planning system should help town and local centres adapt to current challenges by making them more healthier, active, creative, accessible and resilient. They have an important role in supporting 20 minute neighbourhoods. The vitality and viability of centres can be improved by extending the mix of types of development that will be supported. In particular town centre living should be encouraged while edge of centre and out of town retail proposals should not be supported.

Vacant and derelict land and empty buildings

The reuse of vacant and derelict land and buildings is recognised as contributing to climate change targets and supporting biodiversity, health and wellbeing improvements and the creation of resilient communities by providing greenspace and other community benefits. Redevelopment for housing and businesses can also limit urban expansion. Proposals on greenfield sites should not be supported unless it has been allocated for development or it is supported by other LSP policies and alternative brownfield sites are not available.

Rural Places

The draft aims for rural places to be vibrant and sustainable. The planning system should encourage development that helps support, sustain and grow rural areas and stimulate a greener, fairer and more inclusive wellbeing economy while supporting natural assets. LDPs should identify distinct accessible, intermediate and remote area and set out an approach to development in areas of pressure and decline including proposals for future population growth. Proposals that contribute to the viability, sustainability and diversity of the local economy should be supported.

- 4.4 In addition a new approach has been taken to help the planning system support the delivery of more and better homes. Amongst other matters this policy reflects the work undertaken by the Glasgow City Region Housing Market Partnership to provide a Minimum All Tenure Housing Land Requirement (MATHLR) in the preparation of the draft NPF4. LDPs will be required to identify a housing target for the area which should at least meet the 10 year MATHLR (7,850 for South Lanarkshire). A deliverable housing land pipeline for the Housing Land Requirement is to be provided setting out short, medium and long-term sites. Land to be identified to meet the HLR should be in sustainable locations. Proposals of over 50 units are to be accompanied by a statement of community benefit which will include the contribution of the proposal to affordable homes.
- 4.5 A further significant change is the support for affordable housing proposals where there is an identified requirement. In addition proposals for private homes should generally only be supported where a contribution to the provision of affordable homes on a site is at least 25% of the total number of homes. At the moment the requirement is for up to 25% of homes to be affordable.

5. Local Development Plans

- 5.1 The consultation paper states that Local Development Plans should consider the ambitions and outcomes for an area looking 20 years ahead. They should be developed through collaboration and based on robust evidence to ensure they can be delivered. They should be place-based with the spatial strategy reflected more in a collection of maps, site briefs and masterplans than written text and policy as at present. Plans should be relevant to people and local communities and delivery development that meets the needs and aspirations of a place. A wide range of stakeholders are expected to play a role in preparing the LDP. LDPs should implement the national policies in NPF4 to show what they mean for change and development in a particular place. One size will not fit all and therefore proposals and policies will be needed for distinct places as well as for the wider Council area. They should also take into account the Council's Community Plan to ensure it contributes to the priority outcomes in it. They should be prepared in a different way, look different and be used differently to before.
- 5.2 The new legislation includes 5 stages for the plan preparation process

Evidence Report

This is to be prepared at the start of the plan making process and is intended to improve the quality and effectiveness by front loading the work and evidence that will be used to inform what to plan for before the Proposed Plan looks at where development should take place. It will include baseline data and information needed to inform the plan but site specific matters are not to be included. The draft guidance sets out what evidence could be included – other local, regional and national strategies; infrastructure capacity and planned investment; public health and wellbeing indicators; housing land requirements for all tenures; town centre health check data; and local and regional economic strategies.

Gatecheck

Once completed the evidence report is to be submitted to Scottish Ministers who will appoint a Reporter to carry out an independent assessment of whether sufficient information has been collected to prepare the LDP. It is intended to reduce the level of debate during the Examination of the Proposed Plan. If the Reporter decides that is the case then the Council can start preparing the Proposed Plan. However, the Council can also be informed that insufficient information has been provided in which case the evidence report has to be revised and resubmitted.

Proposed Plan

This will identify where new development should take place and set out the ambitions and priorities for the area. An Infrastructure First approach should inform its preparation and support delivery. Plans are expected to be place-based with greater use of maps, plans and briefs and minimal policy wording. All sites proposed for development are to be assessed for their deliverability. A Call for Ideas may be undertaken to allow ideas to be proposed for every aspect of the Plan. It will not be limited to individual sites as at present. Significantly more engagement is now required with particular reference to children and young people. The Proposed Plan has to be approved by Full Council in order to set the plan's status as a corporate tool.

Examination

As at present, the examination involves the independent assessment of issues raised during the formal consultation on the Proposed Plan that have not been resolved. Recommendations to make modifications to the plan are also largely binding on the Council.

Adoption and Delivery

Within 3 months of the plan being adopted by the Council an associated Delivery Programme must be adopted and published. It must be kept under review and updated at least every two years. Preparation should run alongside that of the Proposed Plan. It is described as similar to a business plan with a shared commitment to achieving the actions in it and the project management of the Council's financial investment for the delivery of the plan and co-ordination with private or other funding. It will prioritise sites and specify the actions and interventions needed to deliver them.

6. Open Space Strategies/Play Sufficiency Assessments

- 6.1. While dealt with under separate parts of the Planning Act the Government has produced draft Regulations to cover both Open Space Strategies (OSS) and Play Sufficiency Assessments (PSA); this is to ensure a holistic and integrated approach due to the links and overlaps between them. The consultation on OSS proposes an outcomes based approach to focus on what the documents should achieve rather than inputs and outputs and ensure consideration is given to what type of places we want in the future. These include in this case improving access to green infrastructure, open space and green networks; creating sustainable places; improving health and wellbeing; and mitigating and adapting to climate change.

The preparation of the OSS involves as a first stage an audit of open spaces within a Council area. The guidance proposes a minimum size threshold of 0.2 hectares although smaller spaces may be included if appropriate. The audit will also consider the type of open space and its function, accessibility and condition. The audit is also to provide information at a locality scale with a description of the open spaces in the area in terms of quality, quantity and accessibility. Thereafter engagement has to take place on the outcome of the audit to seek views on how well open space meets the needs of stakeholders.

- 6.2. The OSS must contain an assessment of current and future requirements to inform how well existing open spaces help contribute to the outcomes and what changes and requirements are needed to help deliver them; and how well they meet the needs of communities. Following on from this the OSS is to include policies and proposals on the development, maintenance and use of the green infrastructure in the area.
- 6.3. PSA are to be carried out as part of the preparation of the Evidence Report in relation to the LDP process. It is to take the form of a written report with maps. Play opportunities are to be identified – spaces specifically laid out for play as well as open spaces where play is not the primary function. Play opportunities are to be identified for four separate age groups. The PSA is to include statements covering the quality, quantity, inclusion and accessibility of play for each locality as well considering in particular whether children in deprived communities have sufficient play space.

7. Next Steps

- 7.1 As noted above, the deadline for submitting responses to all three consultations is 31 March 2022. In order to inform this, officers have been engaging with colleagues in other services to explain the proposed changes to the planning system and seeking feedback on how they could affect their service delivery. Their comments have been incorporated into the draft responses in the appendices.
- 7.2 In general terms the clarity, ambition and radical approach taken by the Scottish Government across its new legislation and the three documents which are the subject of this report are very welcome. The direction of the draft NPF4 reflects many of the emerging themes and priorities already identified at a national level and the Programme for Government and it establishes a framework on how the planning system will deliver the Government's aspirations. Tackling climate change and supporting sustainability is weaved throughout the document which reflects that sustainable development must be the foundation if the climate emergency and the nature crisis are to be tackled. Topics that the planning system has not been previously asked to address (eg health and wellbeing and community wealth building) are given prominence and are clearly established as critical in terms of creating a just society and tackling longstanding inequalities and challenges. The emphasis on place making, the creation of 20 Minute Neighbourhoods and the role local people will have in shaping their areas are welcomed. The focus will be on brownfield sites and how they can be transformed into liveable and productive places.
- 7.3 A key consideration of the just transition to a net-zero carbon economy will be how to measure economic success within the context of the climate emergency. The inclusion of the wellbeing economy, which seeks to balance the climate and biodiversity and an equitable distribution of economic opportunities, as a means of achieving this goal is welcome. However, the topics of public health and inclusivity should also be prioritised as part of the just transition. There is no consistent list of what every place needs for people to thrive, and key to the success of the place-based approaches will be the ability to work flexibly to respect the needs of different demographics and geographies of the area. A one size fits all approach will be insufficient, as what works for towns will not work for rural communities. In more general terms, the draft lacks a clear vision for rural communities and greater clarity is needed to demonstrate how concepts such as 20-minute neighbourhoods, and the principle of local living which they embody, can be applied to the rural area.
- 7.4 The key to the success of NPF4 will be how robust the policy direction is and the important issue in responding to the consultation has been looking at the detail and practicality of the policies. The wording of the policies as proposed provides direction on what LDPs should address but also in the same policy what should be taken into consideration when determining planning applications. How the high level policy is applied in these distinct areas should be clearer. Clarity is required on how NPF4 will align and interact with LDPs with queries over how far planning authorities will want to adopt the policies in full or adapt them for the local circumstances. Clarity will need provided as to the extent to which the policies can be adapted. In several areas the detail is insufficient which, if left unchanged, does not provide enough clarity to resist inappropriate proposals or support those that would meet key objectives. The initial impression is that the policies are not strong or precise enough in their detailed wording to defend planning decisions and appeals or be able to be implemented in Local Development Plans in a coherent manner. This would also aid developers and communities to understand what is required of them when developing proposals. In this respect it is important to highlight that the planning service alone cannot deliver the Government's ambitions but rather will need to collaborate with other stakeholders.

7.5 The delivery of NPF4, relies heavily on adequate resourcing. The draft does not contain certainty on how infrastructure will be provided nor is there any strong reference to how it will align with other legislation or other national strategies such as the National Strategy for Economic Transformation, Heat in Buildings Strategy, digital infrastructure, Town Centre Action Plan and place making and community empowerment. At the same time, a number of policy issues will require input from experts on particular topics, both within the Council and in external agencies and stakeholders. The further upskilling of planning staff making decisions needed to meet Scottish Government's future targets is an important issue as is the resourcing of the planning service in terms of staff capacity and skills. The separate report on the agenda for this committee on the changes to the regulations on fees for planning applications is relevant in this context.

7.6 Overall, the planning system is set to undergo radical change in terms of the themes it will be required to address and the significant change in policy direction together with the manner in which LDPs will be prepared and the new duty to prepare an Open Space Strategy. It is important that national planning policy in NPF4 and the regulations setting out how LDPs and OSS are prepared are robust and clear. A critical review has been undertaken of the three consultation documents which highlights areas where change is needed. It is recommended that the three responses are agreed by members and that they be submitted to the Scottish Government. Going forward the timetable published by the Government suggests NPF4 will be approved by Scottish Parliament before the summer recess in June however that seems ambitious, and it is more likely this will happen after Parliament returns after the summer. The Regulations on LDPs and OSS are set to be approved by the end of 2022 after which formal work on Local Development Plan 3 and the Open Space Strategy will start. Further reports will be presented to the Planning Committee once the outcome of this consultation and approval process is known.

8. Employee Implications

8.1 The implementation of NPF4 when it is approved will have implications for officers in the Planning Service in terms of preparing the next LDP and decision making on planning applications. A number of 'new' issues are likely to arise that the planning system is required to address which will require appropriate skills and knowledge currently unavailable. Equally, officers within other Council services will be required to understand any new requirements within the approved NPF4 for their projects and strategies.

8.2 The preparation of the Council's next LDP is likely to be more resource intensive based on the new procedures and guidance set out in the consultation on these matters and additional topics that are required to be covered. Work has started on the Open Space Strategy in partnership with officers in Countryside and Greenspace and the Glasgow and Clyde Valley Green Network Partnership but progress has been delayed due to resourcing issues. The preparation of a Play Sufficiency Assessment is likely to have similar issues.

9. Financial Implications

9.1 The costs of the preparation and production of the next Local Development Plan and Open Space Strategy/Play Sufficiency Assessment will be met from existing budgets. The draft NPF4 recognises that economic recovery will benefit from a better resourced planning service and that the recent decline in the capacity of planning authorities needs to be addressed.

- 9.2 The increase in planning fees is intended to achieve full cost recovery for the planning application process however this fails to address the need to deliver the aims and ambitions of NPF4 and the next LDP/OSS and the planning enforcement function.
- 9.3 The interim Business and Regulatory Impact Assessment (BRIA) of the proposed LDP Regulations and guidance suggests the changes to the development plan preparation process will result in savings nationally of between £21m and £31m over the next 10 years; however this seems optimistic. Similarly the associated BRIA for the OSS/PSA Regulations estimates the cost per planning authority for preparing these documents will be £2,800 per annum over 10 years which again is not credible.
- 10. Climate Change, Sustainability and Environmental Implications**
- 10.1 The theme of tackling the Global Climate Emergency, meeting the Scottish Government's targets for net zero emissions and the promotion of sustainable developments are central to the spatial strategy in NPF4.
- 11. Other Implications**
- 11.1 None
- 12. Equality Impact Assessment and Consultation Arrangements**
- 12.1 The consultations all include interim Equalities Impact Assessment, Child Rights and Wellbeing and a Fairer Scotland Duty Assessment. Consultation by the Council is not required.

David Booth
Executive Director (Community and Enterprise Resources)

17 March 2022

Link(s) to Council Values/Ambitions/Objectives

- ♦ Work with communities and partners to promote high quality, thriving and sustainable communities

Previous References

- ♦ None

List of Background Papers

- ♦ Planning (Scotland) Act 2019
- ♦ Scottish Government consultation – Proposals for Regulations on Local Development Plans
- ♦ Scottish Government consultation – Proposals for Regulations on Open Space Strategies and Play Sufficiency Assessments
- ♦ Scottish Government consultation – draft National Planning Framework 4

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Appendix 1 – List of Policies in the National Planning Policy Handbook

The 6 Universal policies are

Policy 1: Plan-led approach to sustainable development - All local development plans should manage the use and development of land in the long term public interest.

Policy 2: Climate emergency - When considering all development proposals significant weight should be given to the Global Climate Emergency.

Policy 3: Nature crisis - Development plans should facilitate biodiversity enhancement, nature recovery and restoration by facilitating the creation of nature networks and strengthening connections between them; through the creation of new or restoration of degraded habitats; and measures to increase populations of priority species.

Policy 4: Human rights and equality - Planning should respect, protect and fulfil human rights, seek to eliminate discrimination and promote equality. Planning authorities, applicants, key agencies and communities have a responsibility to consult and engage others collaboratively, meaningfully and proportionately.

Policy 5: Community Wealth Building - Development plans should address community wealth building priorities by reflecting a people-centred approach to local economic development. Spatial strategies should support community wealth building; address economic disadvantage and inequality; and provide added social value. Proposals for development within the categories of national developments and major developments should contribute to community wealth building objectives.

Policy 6: Design, quality and place - Development proposals should be designed to a high quality so that the scale and nature of the development contributes positively to the character and sense of place of the area in which they are to be located. Development proposals should incorporate the key principles of *Designing Streets, Creating Places, New Design in Historic Settings* and any design guidance adopted by planning authorities and statutory consultees.

The subject based policies relate to

Liveable Places	Productive Places	Distinctive Places
<u>20 Minute Neighborhoods</u> Policy 7 - Local living	Policy 16 - Land and premises for business and employment	<u>City, Town, Commercial and Local Centres</u> Policy 24 - Centres Policy 25 - Retail Policy 26 - Town Centre First Assessment Policy 27 - Town Centre Living
Policy 8 - Infrastructure First	Policy 17 - Sustainable tourism	Policy 28 - Historic assets and places
Policy 9 - Quality Homes	Policy 18 - Culture and creativity	<u>Urban Edges and the Green Belt</u>

Liveable Places	Productive Places	Distinctive Places
		Policy 29 - Urban edges
Policy 10 - Sustainable Transport	Policy 19 - Green energy	Policy 30 - Vacant and derelict land
Policy 11 - Heating and Cooling	Policy 20 - Zero waste	Policy 31 Rural places
Policy 12 - Blue and green infrastructure, play and sport	Policy 21 - Aquaculture	Policy 32 - Natural places
Policy 13 - Sustainable flood risk and water management	Policy 22 - Minerals	<u>Peat and Carbon Rich Soils</u> Policy 33 - Soils
Policy 14 - Lifelong health, wellbeing	Policy 23 - Digital infrastructure	Policy 34 - Trees, woodland and forestry
Policy 15 - Safety		Policy 35 - Coasts

APPENDIX 2 - Scottish Government consultation – draft National Planning Framework 4

General Observations

In general, support is given to the spatial strategy's approach with the four themes, six underpinning principles, action areas, and the policies that sit under each of the themes. It is an ambitious and transformational strategy. Addressing climate change and nature recovery are established as the primary guiding principles for all plans and planning decisions. However overall there is less focus on the economy than in previous versions of NPF. In particular there is a lack of alignment with the National Strategy for Economic Transformation of the Glasgow City Region's Economic Strategy published in December 2021.

Overall it is considered that the language used in many of the policies is too loose and imprecise, for example, 'should', 'consider', 'take into account' and 'encourage', are not strong enough to achieve the transformational approach outlined in the document or delivery of the strategy. The subjectivity of a lot of the wording leave some of the policies open to misinterpretation. Further guidance on the policies and how these should be applied consistently and locally is required.

In terms of the Policy Handbook each of the policy subjects include both reference to what a LDP should address and also detailed criteria for determining applications side by side. This appears confusing and a more succinct way of delineating this should be explored. There also needs to be more of a balance between urban and rural areas.

A concern of the Council is about how the strategy and the policies will be applied at a local level, how the policies will be resourced, and how the skills gap for planners, in terms of having the knowledge and confidence to implement the policies, be addressed. A raft of new themes are introduced; in particular addressing the climate emergency and nature crisis will be a primary principle of all plans and planning decisions but the skills are not available. It is therefore important that capacity for planning officers, elected members, developers, and local communities is developed as quickly as possible.

South Lanarkshire Council is one of the 8 planning authorities that comprise the Glasgow City Region. A separate response focusing on the strategic planning issues will be submitted in response to the consultation by Clydeplan on behalf of its members and the Council endorses these views.

Question 1 – Sustainable Places

Do you agree that this approach will deliver our future net zero places which will be more resilient to the impacts of climate change and support recovery of our natural environment?

The Council supports the ambition of net-zero emissions and commitment to delivering a just transition to a net-zero carbon economy by no later than 2045. To be successful in achieving this national target and the interim targets, immediate action is required across all policy areas. Planning has a key role to play in enabling the changes required to achieve our climate change targets and the prioritisation of net-zero in NPF4 is supported but needs to be more clearly expressed. It may be more appropriate to include this in the LDP guidance. A similar comment applies to the Nature Crisis and in particular the expectations of LDPs should be made more clear. This cannot be achieved without extensive upskilling of the workforce which should be taken into account when considering the resource implications of the strategy.

Key to achieving these targets will be a consistency of approach across national strategies, as the response to climate change will require changes to all sectors and policy areas. Economic recovery must be 'green' with the principle of net zero embedded at its core. Having climate change as a guiding principle can help to deliver this without restricting development and the Council supports the aim of rebalancing the planning system to stimulating a green economy.

The approach in relation to sustainable places is laudable but will require robust policies to ensure that developers meet all the climate change and nature crisis criteria, that developments are sustainably located and not always on greenfield land, car centric and lacking greenspace. Delivery will rely heavily on developers and landowners buying in to this direction and will require a significant culture change from all stakeholders.

Further detail on how these aims will be achieved would be beneficial. In addition, it may be worth considering how this approach will link with the plans and targets set within the Heat and Buildings Strategy and Housing to 2040, which are not referenced despite seeking to achieve similarly ambitious long term national outcomes.

Question 2 – Liveable Places

Do you agree that this approach will deliver our future places, homes and neighbourhoods which will be better, healthier, and more vibrant places to live?

It is agreed that seeking to ensure our neighbourhoods are 'brighter, healthier places to live' is an important outcome for NPF4. However further consideration should perhaps be given as to how the individual components in this section can be achieved. Robust policy and a certainty that poor quality development will not be supported is required. In general terms the policies as they stand are too flexible to achieve the transformative change desired.

Many areas within South Lanarkshire have seen little investment over a number of years and it is difficult to see how this will be addressed satisfactorily without a significant change in funding/intervention and in the approaches of private developers to go to areas in decline. Planning alone cannot provide the remedy for this.

The concept of the 20 Minute Neighbourhoods is welcome and one the Council is seeking to embrace however there is no definition of what this means or how local authorities should begin contributing to their delivery. This lack of detail results in difficulties in understanding the implications or opportunities that may exist from this proposed approach. One size will not fit and Councils need to be able to apply a bespoke approach. In addition there is no guide on how existing areas will be retrofitted – with the danger the scenario described above will continue – or how they will be delivered in rural areas. More emphasis on place rather than a linear/time distance might be the way forward.

Strengthening community resilience and public health as well as reducing inequalities will help deliver these priorities. Many of the interventions to address environmental sustainability challenges will have a positive impact on place and health however more focus is needed in on how the planning system in collaboration with others can achieve this.

The Covid-19 pandemic has focused the need for access to nature close to dwellings as well as improved conditions for active travel in our urban environments. As more people are working from home new developments must look beyond housing to also be places for work and play in more self-contained neighbourhoods. New and enhanced green infrastructure including tree canopy/urban forest is part of the solution to some of the key challenges including air and water quality, temperature comfort and flood prevention, public health, wellbeing, safety, local retail, and road safety.

Question 3 – Productive Places

Do you agree that this approach will deliver our future places which will attract new investment, build business confidence, stimulate entrepreneurship, and facilitate future ways of working – improving economic, social, and environmental wellbeing?

There is a clear tension between meeting sustainability objectives and delivering an improved economy. Some of the terms used in this section are new to the planning system so guidance on how they will be achieved, and the measures to be used, is required. Crucially there is only one reference throughout the draft NPF4 to the National Strategy for Economic Transformation. Overall the direction on this theme is disappointing and it is not apparent how it will deliver the aims of the Scottish Government. It does not translate into policies that will deliver.

Carbon emissions must be separated from future economic development to build a green economy, however it must also be an inclusive economy which tackles economic and health inequalities and creates opportunities and prosperity for all. A key aspect of delivering a just transition to a net-zero carbon economy will be ensuring that the burden of climate change adaptation and mitigation are met by those most responsible as well as how we measure economic success in a wellbeing economy. This should put a higher value on public health and inclusivity over traditional economic growth indicators. Strategic approaches must be taken to future development to deliver jobs in the right sectors to the right places if the ambitions for a just transition to a carbon neutral wellbeing economy are met. Definitions are required for terms such as community wealth, fair work and good green jobs.

A key aspect of delivering these ambitions will be the role of digital connectivity. The COVID-19 pandemic has fundamentally changed the ways in which we work and has brought into sharp focus the issues of digital inequality across Scotland. Digital connectivity will be fundamental to our economic future and the inclusion of digital connectivity in Scotland's spatial strategy is supported.

Question 4 – Distinctive Places

Do you agree that this approach will deliver our future places which will be distinctive, safe, and pleasant, easy to move around, welcoming, nature-positive and resource efficient?

AS FOR Q3 THIS does not translate into policies that will deliver. Rather the emphasis appears to be on managing new development rather than about existing places that need protection or significant investment and improvement. The approach reflects on the changing nature of city and town centres and how they can contribute to higher quality places in the future which is appropriate. The commitment to placemaking is welcome however there is still generally a poor understanding what this means in practice. More guidance on what this will achieve in terms of desired outcomes is needed. More emphasis can also be made to the importance of local participation in this exercise to enable local communities shape their places. Again, the planning system cannot deliver this by itself.

Placemaking is nearly always lacking in new developments as developers often design to minimum standards. Local authorities can set high design standards but rejection of poor quality proposals must be supported by national decision makers. The Council welcomes the inclusion of regeneration of derelict and vacant land within this approach, however the increased costs and challenges associated with delivering developments on this need to be considered. Clear reference to renewables is needed in this section. In addition, it would be beneficial to understand how this approach will deliver 'safe places to live'. A definition of 'safe' is needed Policy 15 is insufficient in that respect.

Question 5 – Spatial Strategy

Do you agree that the spatial strategy will deliver future places that overall are sustainable, liveable, productive, and distinctive?

This section of NPF4 is well intentioned but lacks clarity of direction and definition/vision of what is to be achieved. Overall it appears there is a focus on urban places and not a great deal of clarity on what is to happen in rural areas. It should be recognised that all areas can support the spatial strategy and this needs to be better presented. As set out the four place types sit in isolation of each other so perhaps a diagram explaining their interaction would be beneficial.

Question 6 – Spatial Principles

Do you agree that these spatial principles will enable the right choices to be made about where development should be located?

Generally these spatial principles are a welcome addition as they seem to encapsulate what NPF4 will seek to deliver and add significantly to the direction of the draft document. However it is not clear what weight these principles will have in decision making; nor are they referenced in the Policy Handbook. Their relationship with the four place types and the overall national strategy should also be made more explicit.

Compact Growth – This is a good principle, but the pandemic showed that there is a huge desire for people to have their own private garden space. More innovative urban design approaches will be required. Not every settlement has the available brownfield land for this to be achievable. It is inevitable that there will be a need for some planned greenfield release over the 10-year life of an LDP in some areas and this should be recognised. Increasing the density of settlements puts even more pressure on natural resources and biodiversity and potentially prohibit play and open space provision which seems at odds with other ambitions. These assets hold the greatest value and benefits to tackle the climate and biodiversity crisis and avoid loss of distinctiveness /sense of place.

Local Living –The concept of 20-minute neighbourhoods will be challenging to achieve in all places. The means that are listed to achieve this principle are appropriate but as with other parts of the document it is unclear how the planning system alone will deliver.

Balanced Development – The ability for communities in areas of decline to create opportunities will be extremely difficult as too often this will rely on private developers deciding to invest there – something that in reality is unlikely without public sector intervention.

Conserving and Recycling assets – this principle is extremely positive but again the ability to planning authorities to deliver relies on strong policy and support from national decision makers.

Urban and rural synergy – as a fundamental point there is a lack of clarity throughout NPF4 on the meaning of ‘rural’. Does it refer to the more remote areas in Scotland or is it referring to the more usual definition or is it the case that different approaches are expected depending on the issue. Without that direction it is difficult to understand what this principle is trying to achieve. The reference to ‘all the areas in between’ needs to be clarified.

Just Transition – Again the principle of ensuring the transformational change sought does not result in prejudice or communities falling behind is laudable however the role of the planning system is unclear. There is no direction given on this in the Policy Handbook.

Question 7 – Action Areas

Do you agree that these spatial strategy action areas provide a strong basis to take forward regional priority actions?

The subdivision of Scotland into these areas is arbitrary. It is not clear how the areas have been defined and the evidence that was used. They are at best simplistic and, based on the scale at which they have been presented, it is not considered they add any benefit to the planning policy process. If they are to remain as a concept then sub-regional areas should be identified, based on the indicative RSS geographies, to allow the strengths, weaknesses and opportunities for each to be identified which can then be related to the overall aims of the action area.

Notwithstanding the above the central urban transformation area is too extensive. Very different issues are relevant in the west and east, so it is difficult to have a one size fits all approach. In addition, they appear to overlap planning authority areas. South Lanarkshire has a significant rural expanse that appears to overlap between the Central Urban Transformation and Southern Sustainability action areas but there is no clarity on this in the narrative. While this does appear appropriate and reflects its diverse urban and rural characteristics, it is important to ensure that neither part of this is lost and that South Lanarkshire is considered fully within one action area, as this would have a detrimental effect on understanding how best this approach is delivered to reflect the urban-rural mix of South Lanarkshire. This can only cause confusion and it may result in the Council's LDP having to reconcile what may be conflicting aims and objectives.

Question 8 – 13 – Action Areas

Do you agree with this summary of challenges and opportunities for this action area?

What are your views on these strategic actions for this action area?

These questions relate to other action areas not relevant to SLC.

Question 14 and 15 – Central Urban Transformation Action Area

Do you agree with this summary of challenges and opportunities for this action area?

What are your views on these strategic actions for this action area?

The use of the term 'urban' in the description and bullet point priorities is misleading as this area contains extensive non-urban areas too. This may not have been the intention, but this wording will alienate rural communities.

The Council welcomes the inclusion of 'investing in net-zero housing solutions' within this area however achieving net-zero through retrofitting in urban areas where mixed tenure and mixed use buildings exist in greater numbers will be challenging. It is important that as this policy area is further developed care is taken to join up the different strands of national housing planning and environmental policy. The inclusion of tackling vacant and derelict land is welcome however consideration should be given to additional costs and barriers.

Natural resources including tree cover and Green Infrastructure are part of the solution to some of the key challenges in the action area from climate change to declining health, well-being, sustainability and resilience of neighbourhoods. The reference to accelerating urban greening is good but does not inform what the 'natural solutions' are eg increasing tree canopy cover including the Clyde Climate Forest which is proposing natural solutions at scale across the Glasgow city region.

Question 16 and 17 – Southern Sustainability Action Area

Do you agree with this summary of challenges and opportunities for this action area?

What are your views on these strategic actions for this action area?

Although rural South Lanarkshire constitutes a significant part of this action area there is no reference to the towns and villages of this part of South Lanarkshire within the consultation paper. There are significant opportunities to utilise natural resources for power generation across this area, with wind, solar and ground source all opportunities to enable the local towns and villages to become more environmentally sustainable.

Improving digital infrastructure and transport links would help contribute to tackling the population decline. As with all opportunities to invest in specific activities, consideration should be given to the local training and employment opportunities that would be part of this process.

Question 18 - What are your overall views on this proposed national spatial strategy?

The Council's view are captured in the answers above.

Question 19 – 21 – National Developments

Q19: Do you think that any of the classes of development described in the Statements of Need should be changed or additional classes added to deliver the national development described?

The Council supports the inclusion of the National Developments in terms of continuity and certainty particularly in terms of how they relate to the Glasgow City Region. They should be included in an appropriate delivery mechanism to help support their delivery.

Q20: Is the level of information in the Statements of Need enough for communities, applicants, and planning authorities to clearly decide when a proposal should be handled as a national development?

It would be helpful if there was an introduction to the National Developments section setting out the rationale for selecting them and why some are conceptual, and others are existing proposals. An explanation (or separate guidance) on what it means in terms of the development management process would be useful.

Some of the proposals do not require planning permission in the first place eg cabling required under the Digital Fibre Network. In addition, proposals for electricity generation exceeding 50MW falls outwith the scope of the planning system.

Q21: Do you think there are other developments, not already considered in supporting documents, that should be considered for national development status?

No

Question 22 – National Planning Policy Handbook

Do you agree that addressing climate change and nature recovery should be the primary guiding principles for all our plans and planning decisions?

In principle this is the correct approach however it has to be reconciled with the national and local socio-economic requirements which the universal policies could conflict with. Given the challenges presented by climate change it would be appropriate to ensure it is reflected within plans and planning decisions. Further detail on how this would be achieved in terms of desired outcomes, or the impact this may have on plans and planning decisions, would be beneficial. Different stakeholders will have separate motivations, so the policy direction needs to be robust and clear enough to guide them in their decisions.

There needs to be a clear cross reference with all parts of NPF4. For example, the summary sections in part 1 could include reference to the relevant policy content.

National Planning Policy will form the basis of policies against which a proposal will be determined and are therefore matters of the prime importance in the planning system. It is critical that these policies are clear-cut, and their meaning is fully understood. Some of the policies relate to development planning and as such, it would be helpful if the document stated that they are not to be used for decisions on applications.

There is a potential for conflict between the policies set out in NPF4 and those within emerging in LDPs, when under the Town and Country Planning (Scotland) Act 1997, the later policy will prevail in terms of primacy. If a latter LDP trumps the national planning policy, this has the potential to undermine the approach. The 'gate-check' process and LDP examination will have a key role to play in this. However further guidance on this issue would be helpful.

The policies appear to require a number of additional assessments to be undertaken as part of assessing planning applications. This will result in additional burdens for planning authorities and/or development itself. The extent to which additional content in the consideration of planning applications is expected is unclear. Greater clarity and certainty around the wording used in the policies would be beneficial. For example, a number of the policies refer to development being "supported" or "not supported" but the meaning is unclear. It is important that there is strong degree of consistency across the policies. At present, Scottish Planning Policy has a 'right development in the right place' basis, however, this is not reflected now.

The policies here differ from previously ie SPP and the application of national policies across Scotland is likely to be challenging and it is difficult to see how they can be implemented in practice across the different parts of Scotland. The policies vary in their breadth and depth, and there is differing scope for diversion at a local level. The circumstances in which local diversion from the policies may be appropriate should be clearer. Specific policies do not always appear to align with the more general statements within NPF4.

There is a need for cross-consistency within the NPF eg policy 30, part (c) on greenfield developments cuts across other aspects of the document. There are no policies on some important issues for the economy including the role of air travel, oil and gas and the transition from fossil fuels, or nuclear energy proposals.

There is a general conflict with the statement on page 61 that "The following Universal Policies should apply to all planning decisions" and multiple policies which then state that they just apply to the creation of Local Development Plans. Policies could be split into those requiring to be addressed in local development plans and then the rest that will apply to all planning decisions.

Finally consideration needs to be given to updating the Development Management Regulations as it appears for major developments especially the policies will require mandatory submission of particular supporting documents.

Question 23 – Policy 1 Plan-led approach to sustainable development

Do you agree with this policy approach?

Overall this is welcome. Reference should be made to section 25 of the Act ie the status of the development plan in decision making. The wording is too loose ie the ambition should be to accord with the National Outcomes rather than to seek to achieve. Is the policy to apply to development management decisions.

Question 24 – Policy 2 Climate emergency

Q24: Do you agree that this policy will ensure the planning system takes account of the need to address the climate emergency?

There is no doubt planning is an important contributor to this area but its success will rely on other players. It will help ensure climate change is accounted for within the planning system but needs to align with the recent consultations on the New Build Standard and Heat in Buildings Strategy. Clarity is needed to ensure the policy can be implemented and what tools are to be used to assess the policy consistently. An overall development plan policy context should be included in terms of what the LDP is to achieve. There is a strong need to tie this in with nature crisis and make it clear that nature based solutions are needed within developments to address climate based issues such as flooding, shade, carbon storage etc.

There is a need for definitions of terms like ‘significant weight’ as they are subjective terms. In addition, some of the concepts within the policy require clarification and further guidance eg all development should be designed to minimise emissions over its lifecycle in line with the decarbonisation pathways set out nationally - but what will it look like in practice. The reference to a *whole-life assessment of greenhouse gas emissions from the development* and other requirements is beyond the skills of most planners.

Addressing climate change needs to be as much about climate adaptation and building climate resilience as it is mitigation and off-setting. Adapting to the impacts of climate change and building climate resilience could be pulled out more in the policies.

Question 25 – Policy 3 Nature crisis

Q25: Do you agree that this policy will ensure that the planning system takes account of the need to address the nature crisis?

The policy acknowledges the Nature Crisis but an explanation of what it means should be provided. There is a clear direction and some guidance given as to how the policy could be implemented both by planners and developers including how it links to other plans and strategies. The link with the climate crisis and need for more nature based solutions to deliver multiple objectives could be emphasised. However the policy is overall weak and gives developers scope to not adhere to the policy and doesn't provide local authorities with any powers to ensure the outcomes are achieved. In general, some very subjective wording is used and more clarity is required to understand the intentions behind the policy approach.

At a) reference to the need for LDPs as a first principle to protect existing is required; this issue relates to wider biodiversity not just designations. Nature Networks is a new term but it is unclear if it goes beyond the more widespread reference to the green network. Are nature networks multi-functional or purely a biodiversity tool?

The general principle at b) is a welcome step forward but further guidance on how and when is needed. The draft Nature Scot guidance only applies to local developments.

For c) a methodology for assessing this issue is needed. It implies that a baseline survey will be required but this is not directly mentioned.

The wording for d) is robust but it highlights the need for a standard approach to assessment. This would assist not just the planning authority but would also be clearer for developers. There is arguably a role for Nature Scot to look at this nationally and devise guidance. The reference to “wherever feasible” should be replaced with “integrate and make best use of nature-based solutions, demonstrating how this has been achieved”. The reference to “characteristics” could also be changed to “be based on an understanding of the existing biodiversity value of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats”.

Finally, there may be merit to this policy referring to Developer's contributions and/or to offsite enhancement solutions.

Question 26 – Policy 4 Human rights and equality

Q26: Do you agree that this policy effectively addresses the need for planning to respect, protect and fulfil human rights, seek to eliminate discrimination, and promote equality?

It is recognised this matter needs to be included given the outcomes NPF4 is expected to achieve as set out in the Act. However, it is not apparent that a policy approach is appropriate as the requirement to fulfil human rights is already set out in separate legislation. The ability of the planning system to eliminate discrimination and promote equality is limited in any event by a range of other factors. In addition, the consultation responsibilities should be in separate regulations and guidance and not in the policy. If the statutorily required equalities assessments are carried out there should be no need for this policy.

It should therefore be governed by say a guiding principle for planning practice rather than a development plan policy and include reference to local choice/community engagement. There is no question people should be involved in shaping their place and this is captured throughout the spatial strategy, however it should be an underpinning principle.

Clarity is needed on whether this policy will apply to planning applications and, if so, which categories/scale of developments.

Question 27 – Policy 5 Community wealth building

Q27: Do you agree that planning policy should support community wealth building, and does this policy deliver this?

The policy direction is very sparse and the current wording provides no guidance on how planning authorities are to ensure community wealth building objectives are reflected in LDPs and its decision making. This should be set out in the policy to reflect on how proposals are expected to contribute to CWB within the confines of the statutory process. example, policy 5 focusses on community wealth building which is a new policy. It is not clear how this will work in a planning context or how this sits with existing duties on planning authorities for sustainable economic development. The concept itself does not seem to be defined within draft NPF4 and there is the potential to create uncertainty in the system given the lack of clarity.

Question 28 – Policy 6 Design, quality, and place

Q28: Do you agree that this policy will enable the planning system to promote design, quality, and place?

Like Policy 3, this policy establishes a vision regarding the standard and quality of design and the places that are created through development. The policy takes a holistic place-based approach and offers a selection of tools and resources for developers to use as they construct their proposals. However, it does not include any requirement for LDPs to address this through local policy but rather relies on national design guidance. As a result, the policy lacks any real strength due to the use of weak and subjective language which undermines the strong direction and guidance given. Given placemaking is at the heart of the national policy direction the policy wording is disappointing and the opportunity should be taken to better integrate this section with other policies. Development proposals should incorporate the key principles of Designing Streets, Creating Places, New Design in Historic Settings and any design guidance adopted by planning authorities and statutory consultees.

More guidance on how the Scottish Government are defining many of the concepts is needed eg , sense of "joy", "feeling positive towards being playful", "good use" of green and blue infrastructure and "wellbeing promoting" natural spaces and a means of measuring it.

The issue of safety in the built environment is a very complex issue that can mean different things for different people, and this needs to be acknowledged and clear guidance for what the Scottish Government are meaning by safety.

At part d) more detailed criteria is needed to define under what circumstances this would apply and how 'poor quality' can be measured. Policy should also make it clear that 'design' applies not just to the built elements of a development but the soft elements too. Recognition of how watercourses and access to them to achieve placemaking ambitions should be included.

Question 29 – Policy 7 Local living

Q29: Do you agree that this policy sufficiently addresses the need to support local living?

The principles behind this concept are exciting and will have broad support across planning authorities. The policy is predicated on the concept of 20 minute neighbourhoods and therefore it may be more useful to reword the policy title to reflect that. The link to the matters in policy 6 are clear and should be made more explicit.

There are a number of constraints that have to be addressed. Firstly, there is an overemphasis on urban areas and not enough detail on how this will be applied to settlements in the rural area where the placemaking context is different. It may be appropriate to refer to clusters of settlements in this context. Secondly it will be easier to apply to new developments rather than trying to retrofit existing places. There needs to be more guidance about retrofitting and how to tackle issues of land/property ownership especially in purely residential areas. When applying the concept to existing areas guidance should be provided on how different urban typologies can be made to fit. Finally, a test to measure the quality of existing services and facilities could be useful.

There is no encouragement to use the Place Standard Tool, which would be beneficial in understanding the needs of the community and whether the proposals to improve local living will benefit them. There is a lack of emphasis given to community consultation and how the use of other tools such as Local Place Plans and Local Outcome Improvement Plans could be helpful in bringing about 20MN.

No guidance is given in terms of how to implement the policy other than hoping that it will be embraced by developers who only "should" be supporting the concept and its delivery. There is no reference on how to deal with proposals that conflict with the 20MN or which don't conform to the ambition of local living ie what weight should be given in the decision making process.

Creating more housing that would support 20 minute neighbourhoods within rural areas might require the use of greenfield land to allocate housing sites which could conflict with other policy in rural areas/Green Belt.

The following challenges are missing: concentration of fast-food outlets, especially in disadvantaged areas; areas with high food insecurity linked to financial insecurity; and the high demand for community food growing and allotments despite decreasing availability.

The type of shopping areas that should be accessed within the principles of the 20 minutes neighbourhoods should be specified. eg a food shop to distinguish them from other types of shops and support given to shops selling healthy and fresh food at affordable prices. Shopping areas or shops adopting sustainable practices could also be prioritised.

The policy mentions informal play, but not informal greenspaces specifically e.g. in relation to LNRs and less managed spaces, and their importance to urban/local living. Trees and woodlands are part of the solution to some of the key challenges for climate change, declining health, well-being sustainability and resilience of our neighbourhoods and can often do so in more cost-effective ways than some traditional forms of infrastructure.

Question 30 – Policy 8 Infrastructure First

Q30: Do you agree that this policy ensures that we make best use of existing infrastructure and take an infrastructure first approach to planning?

This is stated as a key principle earlier in NPF4. However, the draft policy does not set out how the various component parts work together or what the mechanism for delivering or funding the infrastructure eg it is not clear whether developer obligations are to be used to deliver infrastructure across Scotland while the draft guidance in consultation on LDP's refers to developer obligations with no reference to possible Infrastructure Levy/land value capture

There may be merit in Planning Obligations having their own policy. Given the potential for infrastructure to span across more than one planning authority, it would seem appropriate for reference to be made in this policy to the use of regional spatial strategies.

The policy appears to reference a range of existing infrastructure developments and approaches. Some of these however remain in feasibility form or have been discussed as potential projects for a prolonged period of time. A definition of what is meant by infrastructure is required. It places a new and significant onus on planning authorities to set out the approach in delivery programmes and the responsibilities for delivery established. This has implications for planning authorities in terms of skills and resources. There needs to be a national or even regional approach to infrastructure capacity and reference to city deal. This whole issue is much more appropriately addressed at that level. The infrastructure providers will be required to engage with planning authorities however this has not always been the case previously.

The policy requires LDP to "set out the infrastructure requirements of the spatial strategy, informed by the evidence base. It's not clear how this evidence base will be produced nor methodologies or where these requirements will be set out i.e is it within the LDP or other non-statutory advice to inform the LDP. The draft LDP guidance indicates this requires this to be set out in the LDP itself however to do that would make the plan large, unwieldy and remove any flexibility to amend these requirements to account for changes within life of the plan and particularly at local level. Producing the necessary evidence base will be a very large and resource intensive piece of work.

It's also premature to progress this until such time as there is more certainty about development funding for infrastructure. The policy also fails to acknowledge the risks associated with front funding of Infrastructure and as to who should bear these.

Question 31 – Policy 9 Quality homes

Q31: Do you agree that this policy meets the aims of supporting the delivery of high quality, sustainable homes that meet the needs of people throughout their lives?

This policy covers a range of issues. The reference to meeting the needs of people throughout their lives is welcome as is the reiteration that new sites should offer affordability and choice to meet the diverse needs of communities. However, this needs to be a requirement of all house proposals over a minimum number of units while such housing should be integrated and not built off site as an allocation elsewhere or dealt with via a financial contribution. Age in place and equality for accessible homes can only be properly achieved when integrated with mainstream housing. Reference to good quality homes in the creation of good quality and sustainable places is also beneficial.

Private housing investment is needed in many remote areas where house prices are low and the area may have social and economic deprivation. Land may be allocated to encourage and direct housing, however if developers won't develop for viability reasons, then such sites can simply be removed and a more desirable and viable site can be built out elsewhere. This policy does not support the Fairer Scotland Duty as it fails to ensure that the imbalance of developer site selection is addressed.

The policy would benefit from providing additional details on how different housing tenures will play different roles to support people throughout their lives, as well as how providers will be supported to meet the new planning requirements alluded to in the policy. Policy language is often too weak and subjective and there is lack of definitions of key points eg high quality and great places. Phrases like *Locations that may be suitable for new homes beyond the plan period can also be identified* are a cause for concern as this appears to give developers the opportunity to re-submit previously discounted sites.

The introduction of the need for a statement of community benefit appears in effect to be a supporting statement. Clarity is required in relation to what weight can be given to this document and how far the planning authority can challenge its contents.

Finally, a policy dealing with householder development is disproportionate in a national policy document. In any event the policy criteria is very limited and does not add value to decision making. This is more properly dealt with at a local level.

Question 32 – Policy 10 Sustainable transport

Q32: Do you agree that this policy will reduce the need to travel unsustainably, decarbonise our transport system and promote active travel choices?

The general approach for developments that generate a significant increase in trips is supported but it seems to be simplistic and not address the complexity of the problem. It does not go far enough to encourage the reimagining of urban town centres into successful sustainable places centred around people, and the remove the focus on cars. Some rural towns have poor public transport links – how are they to be supported? Most developments in such cases will require to be car dependent. In addition, insufficient advice is given on how low/no car parking can be achieved in urban and rural settings. More support of this type of approach which can prevent good quality schemes proceeding can be provided in the policy.

Street design should give priority to sustainable active travel modes over vehicular traffic. Paths should be capable of being used and shared by all non-motorised users but also mobility scooters. It would be helpful if where development design is being planned that it is emphasised that active travel links and connections (public transport) are identified from the outset and that links within and outwith the development get reasonable priority when compared to house building layout.

Question 33 – Policy 11 Heat and cooling

Q33: Do you agree that this policy will help us achieve zero emissions from heating and cooling our buildings and adapt to changing temperatures?

The role envisaged for heat network partnerships is supported and will be critical to ensuring these elements are included in new development. However, it is considered a more ambitious approach would be to encourage whole system approach to energy. The links to the Building Regulations should be made more explicit in terms of requirements on heat and insulation, passive and natural solutions and design concepts. In addition, there is no reference to retrofitting existing homes nor how old traditional buildings can be adapted.

Question 34 – Policy 12 Blue and green infrastructure, play and sport

Q34: Do you agree that this policy will help to make our places greener, healthier, and more resilient to climate change by supporting and enhancing blue and green infrastructure and providing good quality local opportunities for play and sport?

While there are clear connections between blue/green infrastructure and play/sport this policy is unwieldy and tries to cover too much in one policy. It may be better to split this policy and have a separate policy for play and sport.

The various elements referred to here are key parts of the Green Network. The policy states that green infrastructure should be considered as part of the Green Network. It is therefore suggested that a definition of GI is needed to cover the relationship between it and Green Networks/greenspace.

The introduction should refer to OSS and PSA as these will be a key part delivering this policy. There is no mention of the OSS or PSA or how it links to other policies within NPF4. There is very little reference to sports facilities or spaces which is a missed opportunity. More guidance for creating quality spaces for different ages and abilities would be useful.

At c) the baseline blue/green infrastructure should be defined while at h) this policy has links to the Nature Crisis policy and the requirements for biodiversity enhancements. Multi-functional open/greenspace can meet both needs. Again, implementing this policy will depend on the baseline of existing provision being established through OSS.

The Council agree with proposals to enhance and protect play and sport as a component of blue and green infrastructure. The ideals set out in the policy of extending play opportunities beyond traditional fixed play areas are positive, but do not reflect the way play is currently delivered by the Council nor the resources that are available to the Council to maintain and upgrade sites. Most existing play areas are small and within residential areas and don't have the capacity for extension. It is not always possible to meet current aspirations for play value and inclusiveness within such areas. The Council no longer adopts small play areas in new housing developments and what is provided by developers tends to be play areas which are tiny and offer no real play value or inclusiveness. It is therefore suggested that minimum standards are set i.e. a minimum size based on the number of houses being developed, and mandatory element of inclusive equipment specified.

In addition, developer contributions could be used to support larger sites such as district and country parks. There is also an issue of how to secure quality play areas in rural settlements where historic provision is poor and there is limited new development coming forward to provide new facilities. There needs to be an acceptance in NPF policy that one size doesn't fit all as clearly not all play areas are or can be equal. Development proposals for temporary or permanent open space, tree canopy cover, green space or play space on unused or under-used land are supported.

Question 35 – Policy 13 Sustainable flood risk and water management

Q35: Do you agree that this policy will help to ensure places are resilient to future flood risk and make efficient and sustainable use of water resources?

The policy does not reflect the position statement recently issued by SEPA on new building in flood risk areas. At a) clarity is needed on how LDPs should identify opportunities to implement natural flood risk management while at b) a definition of 'future functional flood plan' is required

At e) an assessment of whether a proposed drainage solution for a development a negative impact on the overall catchment would have will require detailed technical advice. Finally at g) the statement that development proposals should only be supported if they can be connected to the public water mains is at odds with the intention to repopulate the rural areas?

Question 36 – Policy 14 and Policy 15 Health, wellbeing, and safety

Q36: Do you agree that this policy will ensure places support health, wellbeing, and safety, and strengthen the resilience of communities?

The new policy approach on health and wellbeing is welcomed but it is a very complex cross-sector issue. The contribution other policies can make to delivery should be highlighted eg 20 minute neighbourhoods, blue and green infrastructure and play/open space provision. The role of the planning system in achieving the aims of the policy is

unclear and this is exacerbated by the lack of skills and awareness among planners to properly assess the impact of proposals on this theme. The impact of climate change on health inequalities for example air quality, the exacerbation of poverty/inequalities and those with disabilities should also be referenced.

Consideration should be given to including criteria that in principle support for new leisure facilities and change of use proposals, including gyms, dance studios etc. as well as outdoor play and education facilities, and for specialist health care facilities. Light pollution should be included as an issue along with noise. Direction on the need for air quality assessments should be added. Significant adverse health effects should be defined as they need to be known before a HIA can be requested.

Local food growing should have a stronger place in NPF4 as it links to local living and blue and green infrastructure. There are great community gains from the incorporation of food growing and community kitchen spaces. Part e) gives an opportunity to mention green/blue infrastructure and green/blue spaces along with allotments etc due to the links between outdoor/nature spaces and health/wellbeing.

Question 37 – Policy 16 Land and premises for business and employment

Q37: Do you agree that this policy ensures places support new and expanded businesses and investment, stimulate entrepreneurship, and promote alternative ways of working to achieve a green recovery and build a wellbeing economy?

In general, the background and policies for economic development seem quite weak. Planning decisions and investment in economic development opportunities are closely linked and so the policy should be strengthened to make this more explicit. In addition, there is no reference to the National Strategy for Economic Transformation. A key theme is the creation of 'green' jobs however this is not defined nor is there direction on how to assess proposals that do not include green jobs.

The policy should reference the need to identify a hierarchy of sites, acceptable use classes etc in these locations in order to more effectively assess proposals in particular types of networks. More clarity is needed around some of the wording eg what is definition of a wellbeing economy, primary business function of the area and net economic benefit? It is unclear how the latter term is to be assessed for example is a developer required to submit an appraisal. There is no guidance on how much employment and infrastructure will be required, what type of industry/business land and where it should be located.

Part b) does not reference the protection of industrial areas from non-conforming uses nor how proposals are to be assessed. The overlap between b) and d) is also confusing. The wording at f) is too flexible and could lead to development in unsustainable locations. These developments should require a statement of net economic benefit to be provided.

In terms of "accelerate urban greening", it is suggested that a reference to the importance of land for community food growing and allotments is included while in "Wellbeing economy", reference should be made to the role of the development of food businesses (healthier/fresh food vs. take-away/fast food) on health. In the section "Reimagine development on the urban fringe", agree with the functions of these areas i.e. providing spaces for local food growing including sustainable food production.

In the section "Support sustainable development", more importance could be given to the role of agriculture in creating job opportunities. The importance of sustainable food production given its impact on climate change could be considered here as well. Creation of new area of agriculture including urban, peri-urban and vertical agriculture should be supported to increase production and access to local food.

Question 38 – Policy 17 Sustainable tourism

Q38: Do you agree that this policy will help to inspire people to visit Scotland, and support sustainable tourism which benefits local people and is consistent with our NetZero and nature commitments?

This policy works in terms of giving careful consideration to the demographic it intends to attract to ensure long term viability. Planning authorities could be given the power to create new tourism focused areas, potentially where there is existing pressure or opportunity – including within the rural areas, and to masterplan development in such cases. However it is overall unclear how this will address net zero ambitions.

At b) and c) the wording seems to be setting out the different approach to be used in pressured and non-pressured areas. This implies that LDPs will have to identify the areas in which b) or c) would apply as they contradict each other. Direction is also needed on how to avoid the loss of homes to tourism which can result in properties becoming vacant and a loss of local housing opportunities.

Question 39 – Policy 18 Culture and creativity

Q39: Do you agree that this policy supports our places to reflect and facilitate enjoyment of, and investment in, our collective culture and creativity?

Part a) is in essence a statement of good intent and does not add anything meaningful to the theme. Clarification is needed with respect to how the LDP is to recognise and support opportunities for jobs and investment in this sector. Part d) says that development proposals that result in the loss of arts or cultural venues will not be supported unless certain criteria are met. How this is to be assessed is unclear. The ‘agent of change’ paragraph should be a separate section in the policy rather than part of d).

Question 40 – Policy 19 Green energy

Q40: Do you agree that this policy will ensure our places support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045

In general, this policy can be strengthened and clarified including the definition of what is meant by unacceptable impacts. This policy seems to run counter to other policies and the overall aims of NPF4 and therefore better integration is required eg the use of agricultural land for solar power. There is also minimum consideration of smaller scale schemes and the full range of energy types beyond wind and solar.

The policy appears to remove the spatial framework for wind energy as part of the development plan. This is a major change and guidance will be required to help determine if an area’s full potential for electricity and heat has been reached. This is likely to be a cross boundary issue while all types of renewable development should be included in the assessment. The role of the RSS will be important as will collaboration with non City Region authorities eg the Council and Scottish Borders., Dumfries and Galloway and East Ayrshire Councils.

The policy is quite confusing and may benefit from restructuring for clarity. Many of the previous protective elements have been lost. It is a lot weaker on nationally important peatland which was previously an area of significant protection in the old spatial frameworks. Areas of high scenic value that attract high volumes of visitors, where such footfall supports remote communities, should be given additional weight in the protection from turbine developments that would otherwise reduce the scenic attraction of relied upon visitors. The policy appropriately references the need to ensure low-carbon and net zero energy technologies are supported however does not provide the detail as to how this will be achieved.

The final sentence of a) should be amended to say – ‘will be supported where they do not have significant environmental impacts. At b) there should be a caveat regarding impacts ie it should cross reference to the considerations in k). The wording at d) is very loose. The meaning of ‘recognising the sensitivity of other national and international designations is unclear (these were safeguarded from development previously) while definition is needed on what are unacceptable impacts. Site specific assessments should also include Residential impact assessment and Noise assessment. A separate section for repowering is unnecessary as all criteria in d) should also apply to repowering and extensions.

At i) there is support in principle for proposals for negative emissions technologies but no criteria on how proposals are to be assessed. Solar policy is more detailed than any of the other policies. The last para is too detailed for NPF. It is unclear whether part K) refers to all renewable energy developments however it should be universal.

Question 41 – Policy 20 - Zero waste

Q41: Do you agree that this policy will help our places to be more resource efficient, and to be supported by services and facilities that help to achieve a circular economy?

Waste management is increasingly done at a national/regional level, so it seems inappropriate to ask individual planning authorities to identify sites. At f).there is support for proposals located within an established area suitable for business (class 4), general industrial (class 5) or storage (class 6) however in reality that is not always the case particularly where they are adjacent to residential areas. The wording should be amended to reflect this. Criteria is required at g) that new developments would need to meet. The same applies to Energy from Waste. An equivalent of the wording in Policy 19 part k) may be appropriate.

Question 42 – Policy 21 Aquaculture

Q42: Do you agree that this policy will support investment in aquaculture and minimise its potential impacts on the environment?

No comments

Question 43 – Policy 22

Minerals Q43: Do you agree that this policy will support the sustainable management of resources and minimise the impacts of extraction of minerals on communities and the environment?

The updated policy is acceptable and contains lots of criteria for developments to be assessed against. The opportunity to specify biodiversity/nature/creation of “nature reserves” as a preferred option for end use of extraction sites rather than revert to agriculture etc is suggested.

Question 44 – Policy 23 Digital infrastructure

Q44: Do you agree that this policy ensures all of our places will be digitally connected?

The Council supports the requirement for proposals to incorporate future-proofed digital infrastructure while recognising this is a fast developing area in terms of technology. However it needs to be accompanied by sufficient investment and delivery. Below ground infrastructure should be in any built-up areas rather than above ground structures.

The reference to supporting development proposals to enable new digital services is incongruous as it seems to suggest this would be a material consideration in supporting proposals that would not be otherwise. Most of these areas are rural and therefore it appears sporadic housing proposals would be acceptable if such a proposal will improve the internet service to the local area. The extent of the benefit to justify new development is not clear. The wording needs to be updated to remove this potential.

If planners are not to question the need for the digital service to be provided as per c) resources will be needed to ensure up to date data of connection across the area is provided, and thereafter maintained.

Question 45 – Policy 24 – Centres, Policy 25 – Retail, Policy 26 – Town Centre First Assessment, Policy 27 – Town Centre Living

Q45: Do you agree that these policies will ensure Scotland's places will support low carbon urban living?

The retail and centre section lacks a clear vision and does not give a clear view of what is expected to be delivered and what will not be appropriate. A measure is needed to assess how the vitality and viability of a town centre would be affected by proposals is needed as is a clear direction on when Retail Impact Assessment is needed. The policies would appear to support low-carbon urban living but it is uncertain how the residential policy will work in practice - are town centres going to be car free zones or will housing be required to meet parking standards, and, if so, how?

Policies 24 - 27 needs to make reference to expected car parking provision. The policies don't tie up with Policy 10. Some town centres don't have good public transport links so that new housing proposals could be refused in such town centres (a direct conflict of aims between Policy 10 and Policy 27). There is no link to a vision of reclaiming road space within centres to improve pedestrian/social/landscape areas, or reimagining town centres away from car focused and how this can be achieved.

Policy 24 would benefit from a section on the town centre environment which could cover greening aspects, trees, rain gardens, VDL, active travel and accessibility for all, for example or at least a cross reference to other relevant policies.

At Policy 25 clarity is required on how acceptable impacts are to be quantified and assessed and which centres this is to apply to. The status of local centres and how they fit into the hierarchy needs to be emphasised.

The issues raised in Policy 26 are cross-boundary and this should be acknowledged. This is particularly important in terms of local centres and 20 minute neighbourhoods. In addition, by their very nature drive-throughs cannot be in the town centre and will be directed to retail parks and out of centre locations. More advice is needed on this topic – especially where a drive through facility is becoming secondary to the associated sit in area.

Some out of centre locations have become mini town centres with a concentration of high footfall and activity, with a range of retail, leisure and food options, supported with car parking. The policies should address such cases and what should be expected going forward giving the success of some of these areas especially where the neighbouring traditional town centre is declining.

Centres are where a range of uses including those within unsociable hours, high footfall, and possible noise, are directed. New housing proposals should not impact upon the commercial and leisure function of the town centres. How to “ensure suitable residential amenity can be achieved” is unclear and also doesn't acknowledge that typical town centre appropriate uses need to be supported regardless of the close proximity to new town centre living. There is very little mention of design and to require better quality and visionary buildings that can improve the appearance of tired areas.

In the section “Create a low-carbon network of towns”, access to healthier and affordable food should be included (i.e. issue of food desert). The Council supports the position on uses not being supported if they contribute to the number and clustering of hot food takeaways, including permanent vans and that consideration be given to retail proposals alleviating a lack of convenience goods/fresh healthier food and drink provision especially in disadvantaged or remoter areas. This could be taken further to consider takeaways and

fast-food outlets and installation of food vans in the vicinity of primary and secondary schools, play and sport areas

Question 46 – Policy 28 Historic assets and places

Q46: Do you agree that this policy will protect and enhance our historic environment, and support the reuse of redundant or neglected historic buildings?

Overall the Council supports the policy approach but it needs to be balanced against other policy considerations.

At b) a degree of expertise is needed to decide what is a potentially significant impact and to decide what assessments are needed and then to assess the assessments.. There is limited policy content for World Heritage Sites however it would be more appropriate for this to be addressed in a more detailed LDP policy. At n) clarity is required about what unacceptable means in this context ie it impacts on a listed building or that it is contrary to other policies. If the latter this could be construed that saving a building is more important than allowing unsustainable development in the countryside for example. The Council's current LDP policy for enabling development also requires developers to demonstrate that other sources of funding to secure the asset have been explored and discounted. This could be added to this policy.

Question 47 – Policy 29 Urban edges and the green belt

Q47: Do you agree that this policy will increase the density of our settlements, restore nature, and promote local living by limiting urban expansion and using the land around our towns and cities wisely?

In general terms these terms are less well defined and is often an area of confusion for the public and communities particularly in term of the purpose and concept of the Green Belt. To that end the purposes of the Green Belt should be set out and include the following

1. directing planned growth to the most appropriate locations;
2. supporting regeneration;
3. creating and safeguarding identity through place-setting and protecting the separation between communities;
4. protecting and enhancing the quality, character, landscape setting and identity of settlements;
5. protecting open space and sustainable access and opportunities for countryside recreation;
6. maintaining the natural role of the environment, whether in terms of floodplain capacity, carbon sequestration or biodiversity;
7. supporting the farming economy; and
8. meeting requirements for the sustainable location of rural industries including biomass, renewable energy, mineral extraction and timber production.

There is no reference to the redevelopment of brownfield sites within Green Belt where proposals can result in an enhancement of the Green Belt thorough the removal of dereliction or environmental improvements.

Question 48 – Policy 30 Vacant and derelict land

Q48: Do you agree that this policy will help to proactively enable the reuse of vacant and derelict land and buildings?

The Council welcome the inclusion of vacant and derelict land and buildings within the approach but need to understand more about how the challenges associated with achieving this can be overcome. The policy will be critical to protect greenfield sites from development and for underused land to be developed. It is a complex theme related to site remediation costs, ownership and land values which needs to be recognised as the planning system cannot resolve this on its own.

The aim of Policy 30 conflicts with Policy 29. If there is a derelict/dilapidated building or site in the Green Belt, Policy 29 would not support its replacement/redevelopment. However, under Policy 30 such a proposal can be supported. It should clarify between urban brownfield and Green Belt brownfield. A 'green' end use is a key consideration if the site is a key location that could address for example a greenspace deficiency or fill the gap in a nature network. There is an opportunity to recognise key brownfield sites as important for biodiversity and that greening may be the preferred end use. The policy can also prioritise the creation of new woodlands, and the management of existing trees and woodland, to improve the environmental quality of vacant, derelict and underused land change perceptions, as well as creating opportunities for investment, training and employment.

Question 49 – Policy 31 Rural places

Q49: Do you agree that this policy will ensure that rural places can be vibrant and sustainable?

The policy is extremely weak and is not positive or ambitious enough to achieve the objectives of NPF4. It could undermine sustainability and climate change objectives by allowing a proliferation of inappropriate development in rural areas. NPF4 is also not clear by what is meant by 'rural' ie whether it applies to the remoter rural area where the ambition is to repopulate or if it applies to the rural area outwith urban places throughout Scotland.

The relationship between this policy and that for the Urban Fringe and Green Belt is uncertain. At the very least the two policies should sit side by side rather than be separated by another unrelated policy.

At a) there needs to be guidance about what the three rural typologies mean and how they are to be applied. Each authority should define them in the same way otherwise cross-boundary conflicts may occur. At b) clarification is needed on where this will apply ie in the highlands and islands or former settlements everywhere.

More needs to be said on providing a variety of houses that can enable a rural area to 'age in place'. There is no reference to small settlement expansion to support existing communities and utilising existing infrastructure and help the creation of 20 minute neighbourhoods.

The reuse of vacant or derelict land in the rural Clydesdale area has resulted in housing proposals that have been larger than many rural small settlements. Scale needs to be considered and if allowed a variety of affordable and 'age in place' housing should be sought.

There is no reference to SBL/BAP habitats/species or recognition of general and local biodiversity as something to be protected and enhanced. The use of "value" implies potential natural capital assessment which has not been done to this level.

Question 50 – Policy 32 Natural places

Q50: Do you agree that this policy will protect and restore natural places?

The new policy approach is broadly supported but there are policy conflicts with Green Energy policy which requires clarification. There also needs to be a clear cross reference to the Nature Crisis policy. The policy needs to reflect the often competing demands between environment, economic and energy needs. The precautionary principle should be applied to all natural heritage assets not just those that are internationally or nationally significant.

Question 51 – Policy 33 Peat and carbon rich soils

Q51: Do you agree that this policy protects carbon rich soils and supports the preservation and restoration of peatlands?

The policy should cross reference to Climate Change and Nature Crisis policy. Peat cutting and storage is rarely effective, and once carried out there is no monitoring of the final impact. There is a need to recognise the importance of soils in different habitats including woodland and grassland and protect those. There is also a requirement to define “undeveloped” for example does it include agricultural land? Section d) should state that new commercial extraction and extensions to existing licences should not be supported.

There is often conflict between upland windfarms and peatland. Encouraging development while disturbing peatlands is an issue - thin peat soils in upland areas can support significant biodiversity habitat. Historical forestry plantation on peatland needs to be rectified as a priority and difficulties with providing compensatory planting addressed.

Question 52 – Policy 34 Trees, woodland, and forestry

Q52: Do you agree that this policy will expand woodland cover and protect existing woodland?

The policy will complement the overall policy direction for increased protection and promotion of biodiversity interests and habitats. The policy could be expanded to include urban trees and landscaping, forestry management and an overall national approach to new tree planting in native woodlands. Reference should be made to Scottish targets for tree cover expansion and fully support the biodiversity and climate crisis.

Individual and groups of trees make up the largest most significant part of the urban forest and its only now they are becoming visible. However, NPF4 still gives full emphasis to woodlands (forestry). There is currently no Scottish planning guidance on how much tree canopy cover should be retained or mitigated for on/off site. Urban forestry plays a key role in maintaining and expanding green networks across Scotland’s city regions and should help to provide a landscape framework for sustainable urban development, making urban communities more attractive places for people to live and work in. Given the rapid need to respond to the climate and biodiversity crisis setting urban and rural tree canopy cover target should be explored. Offsite mitigation, particularly in areas of canopy or social inequality, should be an option. To get the most benefits from trees modern urban forestry principles must be embraced along with a more progressive global metric for measuring treescape i.e. Tree Canopy Cover or Urban Tree Canopy Cover (UTC). It is suggested this be set at a minimum 20% in urban areas and 21% in rural areas development sites, or mitigate off site in canopy deprived areas.

Trees have a critical role to play in helping to achieve net zero by 2045 through sequestering and storing carbon and are a significant part of the solution to some of the key challenges of our age, from the climate and biodiversity crisis to declining health and well-being. They also provide essential ecosystem services for nature and people and are looked upon more widely in helping to restore the environmental and social balance in diverse neighbourhoods and contribute to the conditions for Scotland’s economic success in more cost-effective ways than some traditional forms of infrastructure.

Question 53 - Policy 35 Coasts

Q53: Do you agree that this policy will help our coastal areas adapt to climate change and support the sustainable development of coastal communities?

No comments

Question 54 and 55

Q54: Do you agree with our proposed priorities for the delivery of the spatial strategy?

Q55: Do you have any other comments on the delivery of the spatial strategy?

Planning Authorities will play an essential role in delivering the strategy. The delivery plan will play an important role in identifying how the strategy will operate in practice. Successful delivery will require information on timescales and funding as well as identifying lead bodies to take various aspects forward. Working collaboratively with Scottish Government and other key stakeholders to develop the delivery plan is essential.

How success is measured will also be important. This must be clear and accountable, with the monitoring of impacts and outcomes of policy integral to the system. The Government must ensure that performance measuring accurately captures the outcomes focused priorities of the strategy. This will require careful consideration of how to measure the growth required to deliver the strategy. The strategy will require a broad range of skills and experiences and adequate resourcing in order to successfully achieve the change it seeks to deliver. Full cost recovery is essential if Planning Authorities are to deliver the strategy.

It is not just about “planners” but all the essential internal and external inputs from other professionals, including other Council services, Key Agencies, investors and developers and central government departments who provide infrastructure and built development.

Alignment of resources is key as is alignment with other plans and strategies and their respective timescales, which hopefully will become clearer in the next version of the Delivery Plan. NPF4 must align with the Programme for Government and other legislative frameworks. It should set out a clear Investment Programme, the monitoring processes involved and what additional resources are to be invested in planning services bearing in mind the 2019 Act has led to 49 new, unfunded duties.

The Draft NPF4 introduces many areas requiring particular specialist skills and areas of expertise which will require additional funding for reskilling and upskilling, but there is likely to be a strong need for external expertise for a range of assessments set out in the Draft. as well as clarity on the respective roles and funding streams available from central and local government, multi- agency, private sector, and partnership arrangements.

Delivery of infrastructure is often the key challenge to delivering development, particularly in areas of lower land values. The related work on the introduction of an Infrastructure Levy is crucial and this lack of clarity on funding is critical. This requires a partnership approach and particularly with the private sector who need certainty in advance of what is required from them and when. The Infrastructure First approach is laudable but there is not enough detail and certainty to assist all stakeholders.

There is concern about how the Policy Handbook is to be used and interpreted. While the overall intentions are good, and the document gives recognition to climate change and nature crisis there are several flaws in the individual policies which may defeat these objectives. There is too much flexibility for certain key development types. The requirements set out in the NPF will mean a change in the way local authority services work together.

There are many requirements in the new guidance on the LDPs which need a stronger ‘hook’ in the NPF if they are to be given weight. It is important for this new strategy to align with existing delivery mechanisms and statutory functions across both planning and housing. This includes for example the Local Housing Strategy and Strategic Housing Investment Plan.

Question 56 Do you agree that the development measures identified will contribute to each of the outcomes identified in Section 3A(3)(c) of the Town and Country Planning (Scotland) Act 1997?

Overall the Council considers there is a need for clearer policy wording which needs to be “fit for purpose” in planning decision making and needs to be fully supported by Scottish Government and DPEA in their decision- making processes to back up the decisions made by local Councils. Policies on their own will not guarantee delivery of development but they can be used to shape the approach to be taken to individual development proposals to assist in clarity and guidance in advance to the development sector. Planning authorities are not the only stakeholders in delivering the high-level commitments on climate change and zero carbon, and the different roles and responsibilities of others may need to be made clearer. In many cases planning will only be able to contribute in a minor and supportive way and it will require the collective efforts of all relevant stakeholders to ensure that the objectives of the Spatial Strategy and the policy aspirations are achieved.

Question 57

Q57: Do you agree with the Minimum All-Tenure Housing Land Requirement (MATHLR) numbers identified above?

It is likely that the numbers will be open to argument and scrutiny for years to come and opens documents to scrutiny that have never been exposed like the HNDA and the LHS. Planning Authorities and housebuilders are concerned about this approach. The numbers provided for South Lanarkshire appear appropriate.

Question 58 Do you agree with the definitions set out above? Are there any other terms it would be useful to include in the glossary?

Reference is made in other answers to the need for further terms to be clearly defined

APPENDIX 3 - Scottish Government consultation - Regulations for Open Space Strategies and Play Sufficiency Assessments

Open Space Strategies Regulations

General Observations

The approach taken by the Scottish Government in relation to Open Space Strategies is generally welcomed. There are no major changes to the methodologies which are currently being used by Councils to undertake this work. The main changes relate to the status of the OSS, with it becoming a statutory document, the emphasis on the corporate nature of the OSS and the extensive consultation and engagement requirements which are proposed.

The introduction of Play Sufficiency Assessments is a new requirement for local planning authorities under the 2019 Planning (Scotland) Act. 'Play' does not fit neatly under any one Council service therefore there will be a need for corporate working to undertake this exercise and there are consequent implications for staffing and resources. Further Scottish Government guidance on the methodology for undertaking a PSA would be welcomed.

For both OSS and PSA the estimated costs referred to in paragraph 7 of the consultation seem unrealistically low and do not take account of the size of the authority. Preparing the audit is likely to be the most time consuming and resource intensive part of the exercise. Also, do they include the costs of public engagement?

There is also concern with regard to the resources required to implement the OSS and PSA. The council has no budget provision for new play areas for example and it is unrealistic to expect everything to be met by developer contributions. This could lead to inequitable distribution of new open space and play opportunities as these will be concentrated in areas of development demand if this is the main source of funding. The links between the OSS/PSA and NPF 4 could be made clearer and the links to NPF priorities strengthened. For example paragraph 10 refers to the wider universal policy on placemaking and design but there is no reference to the universal policies on climate change and nature crisis which are equally relevant. Currently there is no reference to the OSS/PSA strategies in the key NPF policy (Policy 12 Blue and green infrastructure, play and sport).

Consultation Question 1

a) Do you agree with the idea of promoting an outcomes-based approach through the OSS Regulations?

The approach to the outcomes – ie by referring to them as principles rather than something the strategy will be measured against – gives flexibility. However, there will still be a need to measure the performance of the strategy in some way. Therefore, inputs and outputs are also important.

b) Do you agree with the suggested outcomes?

Yes

Consultation Question 2

Do you agree with the proposed definition of

a) 'open space'; b) 'green space'; c) 'green infrastructure'; d) 'green networks'; e) 'ecosystem services'

The 'open space' definition has a locational component – 'within and on the edge of settlements'. It is not clear if the other definitions cover the whole authority area? Further explanation of term 'Ecosystem Services' would be useful. There are terms in NPF4 which do not follow across into this guidance – eg Nature Networks. A diagram illustrating the relationship of all the components would be helpful.

Consultation Question 3

Do you agree with proposed thresholds for open space audits in Draft Regulation 4(2)?

Yes. The flexibility to include valued local spaces that are smaller than 0.2 ha is welcomed.

Consultation Question 4 a) Do you agree with suggested information to include about each open space (location, size and type)?

The regulations only 'require' audits to include location, size and type of open space site. Everything else seems to be optional, including accessibility. For the OSS audit to support planning objectives like placemaking and 20 minute neighbourhoods, accessibility should be given more importance and listed alongside location, size and type. Also see answer to Q5 (b).

b) Do you agree with Regulation 4(5) on the other information planning authorities may include in the audit?

See above

Consultation Question 5 a)

Do you agree with suggested approach to require locality level place based information?

The Council agrees with this approach in principle but are concerned about the availability of resources to undertake the locality level analysis. Establishing meaningful localities within the larger settlements will need further consideration. Electoral wards are not always logical boundaries and could lead to political tension if the OSS is used as a vehicle to allocate resources.

b) Do you agree with the three high level aspects that should be covered in these statements 'accessibility', 'quantity' and 'quality'?

Agree - Accessibility, quantity and quality are the standard components for an OSS and there are existing measures for assessing and scoring these factors.

Consultation Question 6

Do you agree with the list of consultees for the open space audit?

The Council agrees with the list of consultees. However, undertaking 'meaningful' engagement for each of these groups and for each 'locality', will be a major exercise and has significant resource implications. More guidance/prescription on engagement would be helpful otherwise there will be a lack of consistency across local authorities.

Consultation Question 7

Do you agree with the Assessment of Current and Future Requirements should

a) have regard to how open spaces and green networks in their area are contributing to the outcomes?

Agree

b) be informed by engagement with the groups set out?

Hopefully the engagement carried out for the audit will meet this requirement and can be structured accordingly. Another round of engagement at this stage would be excessive.

Consultation Question 8

Do you agree Open Space Strategies should

a) include a statement setting out how they contribute to the outcomes?

Agree

b) identify strategic green networks?

This appears to be a new area to be included in an OSS. It is unclear how this high level requirement sits with the definition of Open Space earlier in document. Should it therefore be an Open Space and Green Network strategy we are preparing, as OSS alone just implies urban and urban edge sites? The strategic green network identification is more properly done at more strategic level for example the Glasgow and Clyde Valley Green Network Partnership in the Glasgow City Region and cross referred in OSS. This would also address cross boundary considerations.

It is noted that a similar exercise for core path planning by individual Councils resulted in inconsistencies in cross-boundary links. It would be beneficial for cross boundary working to be undertaken in relation to strategic green networks to avoid this.

c) identify how green networks may be enhanced?

It is unclear if this refers to all green networks or just 'strategic' green networks? In relation to b) and c) further guidance around the definition and identification of 'strategic' green networks would be useful.

Consultation Question 9**Do you agree with the proposed consultation requirements on draft Open Space Strategies?**

The requirements are reasonable. The main issue will be getting the general public to engage.

Consultation Question 10**Do you agree with the proposed publication requirements for the OSS?**

There seems to be no mechanism which requires the planning authority to publish the representations and the Council's response. For the Local Development Plan we have to show how we have taken comments into account and if we don't take on board the comments we have to explain why.

There is also no reference in the Regulations to whether the OSS has to be formally approved/adopted by the Council. To do so would give it more status.

Consultation Question 11**Do you agree the Regulations should set a 10 year minimum review period for updating open space audits and strategies?**

The Council agrees with this approach. For an authority of size of South Lanarkshire more frequent review would be onerous unless more resources were made available.

Play Sufficiency Assessments Regulations Consultation**Question 12****Do you agree with the proposed definitions? "children" "localities" "open space" "play opportunities"**

There is a discrepancy between question 12 as it appears on page 30 and on page 41 (summary of questions). The above is from the summary of questions but should it be play areas rather than play opportunities.

The Council is content with the definitions. It makes sense to use the same definitions that are used for the Open Space Audit and Strategy.

There is a minor query about whether 17-18 year olds are 'children' but if this is a recognised definition then the Council will accept it.

Consultation Question 13

Do you agree planning authorities should map the locations of the two categories of play spaces, and how they are described in Draft Regulations 3(2)(a) and (b)?

It will be straightforward to map existing play areas either standalone sites or where these are located within a larger open space facility. It is unclear from the wording of the guidance in paragraph 81 what is actually being asked for in the second category. Is this simply the location of play areas within larger areas of open space or is it a wider than this? There would be potential issues in identifying and mapping wider areas as informal play opportunities as this could expose the council to liability. It should be noted that the 'quality assessment' for open space includes a score for natural play opportunities so maybe this would be more appropriate than mapping these areas as 'play opportunities'.

Consultation Question 14

Do you agree with the proposed requirement to assess play opportunities in respect of their suitability by age groups?

This is a very contentious issue. When trying to categorise age limits for play, children develop at different ages and cannot be pigeon holed into an age range. To specify an age range for a particular play area could lead to criticism from parents and users. In practice, ability is more important than age.

Consultation Question 15

a) Do you agree to the proposed three aspects of assessment - 'accessibility', 'quantity' and 'quality'?

These 'measures' are subjective and require more definition to help arrive at them. The play space assessment used for the open space audit uses both hard (practically measurable) and soft measures (subjective). The vaguer the measures the more challenging it is to have consistency of assessment. Currently there is no one set criteria in Scotland for assessing play and one size does not fit all eg a country park compared to a play area with a rural setting.

Quality - the Council's current play area stock ranges in age from 30 years plus to current date. In addition, it is not clear what quality standard this is being measured against - is it quality for the equipment or the quality of play that the equipment brings in play.

Accessibility - many of the Council's play areas are historically in residential areas and service the immediate surrounding area, with no opportunity to expand.

Quantity - again this is historical - how many is too many and what is the criteria to change the quantity? Clarity is needed on how will this be funded not only in terms of new play areas but also future maintenance. Currently the Council's policy is not to create new play areas for which there is no budget hence it does not adopt play areas in new developments.

Further guidance on the criteria and assessment process to be used when applying these measures would be beneficial

b) to provide them in written statements in respect of the totality of the local authority area and at each locality level?

As with open space audit there will be a lot of work involved in preparing statements for each locality (once we have defined what the relevant localities are). Nevertheless, a defined area needs to be established to help measure whether there are deficiencies.

Consultation Question 16

a) Do you agree with the requirement to consult as part of the process of carrying out the play sufficiency assessment?

Consultation is an integral part of any policy or strategy development and we therefore agree with the requirement to consult. However, it could be immensely time and resource consuming. It will obviously be crucial to engage children but how do you meaningfully engage with pre school or the younger primary aged children. It will have to be different techniques for different age groups rolled out across an as yet unquantified number of SLC localities. It could therefore be very resource intensive.

b) Do you agree with the proposed list of consultees on play sufficiency assessment?

Yes

Consultation Question 17

Do you agree with the publication requirement for play sufficiency assessments?

Yes

Impact Assessments

Consultation Question 18

Do you have or can you direct us to any additional information that would assist in finalising these assessments (BRIA, EQIA, CRWIA, ICIA)?

No comment

Consultation Question 19

Please give us your views on the content of these assessments and how they have informed the draft provisions, or if you think changes are needed to the Regulations to further respond to the issues.

No comment

Consultation Question 20

Do you agree with the Fairer Scotland Duty screening and our conclusion that full assessment is not required?

Yes

Consultation Question 21

Do you agree with the Strategic Environmental Assessment pre-screenings, that the Open Space Strategies and Play Sufficiency Assessments Regulations are exempt from the Environmental Assessment (Scotland) Act 2005, as the environmental effects are likely to be minimal?

Yes

APPENDIX 4 - Scottish Government consultation - Local Development Planning – Regulations and Guidance

Part A: Introduction

Question 1 - Do you agree with the principle that regulations be kept to the minimum necessary and that more detail be provided in guidance and kept updated?

Changes to the Regulations should be limited to only what is necessary. However, if it is the expectation of Scottish Government that new steps are taken in preparation of the LDP this should be clearly set out in the regulations.

Setting out expectations and requirements in the formal guidance than in the regulations is inappropriate. This will lead to a lack of clarity of what the actual requirements are for those involved in the planning system. This is likely to lead to dispute at examination where Councils have met the legal requirements, but other parties consider they have not done enough because of perceived non-compliance with the Guidance.

If the Scottish Government remain minded to make minimal regulatory change, but have more stringent guidance, the status of that guidance for both the Gate Check and Examination stages of the LDP process must be made clearer. It is not statutory, nor should it be a Planning Circular, it is just guidance. It requires to be clear that it is only for DPEA Reporters to satisfy themselves that the regulatory requirements have been met, as any additional steps suggested by the Guidance are not a legal requirement that LDP's require to meet.

In addition, there is an issue with the status of policies in the LDP if a Council were to take a different approach to what is set out in NPF4 to suit local circumstances or to address a particular issue.

**Question 2: i) Do you have any views on the content of the interim assessments?
Yes / No. Please explain your views**

No comments to add

Question 2: ii) Do you have, or can you direct us to any information that would assist in finalising these assessments? Yes / No. Please provide or direct us to the information

No comments to add

Question 3: i) Do you have any views on the Fairer Scotland Duty and Strategic Environmental Assessment screening documents? Yes / No. Please explain your views.

No comments to add.

Question 3: ii) If you consider that full assessments are required, please suggest any information sources that could help inform these assessments.

No comments to add.

Part B – Proposals for Development Planning Regulations

Question 4 Do you agree with the proposals for regulations relating to the form and content of LDPs?

In general there no issues with the terms of the Regulations as proposed. However, it appears the guidance then seeks to impose more onerous requirements – they should be set out in the regulations instead.

Question 5 Do you agree with the proposals for regulations relating to the preparation and monitoring of LDPs?

See response to Q4.

Question 6 Do you have views on additional information and considerations to have regard to when preparing and monitoring LDPs?

Given the approach being taken in NPF 4 and the universal policies for Climate Change and Nature Crisis a Planning Authority's Climate Change Strategy and Biodiversity Strategy should be included in Regulation 8 as well as the regional and local Economic Strategies. Consideration should also be given to including the Council's LOIP and local stakeholders strategies for example NHS.

Question 7 Do you agree with the proposals for regulations relating to the Evidence Report?

In general there are no issues with the terms of the Regulations as proposed. However, it appears the guidance then seeks to impose more onerous requirements – they should be set out in the regulations instead. However, it appears the guidance then seeks to impose more onerous requirements. The volume of information to be collated for the Evidence report e.g. for all infrastructure in a Council's area in the guidance is significant.

There seems to be a lot missing from the regulations and a lot of ambiguity. Minimum standards for the evidence required to be submitted should be provided in order to avoid this matter being tested as late as the Gatecheck. Particularly concerned about the regulations around the Gatecheck system and how this will work in practice for example the regulations are silent in terms of the process if the evidence report is not accepted as sufficient.

Question 8 Do you agree with the proposals for regulations relating to the preparation and publication of the LDP?

Regulation 9 lacks ambition and does not recognise the change in most people now receive information. An additional legal requirement to notify via social media or other digital engagement might therefore be appropriate taking lessons from approaches during the pandemic. There is an issue of the duty to co-operate at the proposed plan stage and what this means and what effect this will have on the outcomes. The status of the evidence report also should be clarified for example if there are changes in the evidence provided after the Gatecheck or if new issues arise.

Question 9 Do you agree with the proposals for regulations relating to the examination of the LDP?

See response to Q4.

Question 10 Are there matters you wish to highlight relating to amendment of the LDP which may have bearing on the proposals for regulations being consulted on in this document?

No.

Question 11 Do you agree with the proposals for regulations relating to Development Plan Schemes?

No.

Question 12 Do you agree with the proposals for regulations relating to Delivery Programmes?

The delivery programme has moved from becoming a project management tool to a duty placed on LA to deliver the LDP however the majority of the factors are outwith the planning authority's control nor is it clear what the impact would be for not delivering the Delivery

Programme. Preparation of the Delivery Programme at the start of the LDP process is onerous as changes through a process taking up to 5 years means it would be out of date at each stage. It will also be difficult to specify people tasked with delivering each project/proposal as this may result in the same person being named. The amount of data required is also onerous. The approach also assumes that the Council will be responsible for much of the delivery of projects developers/stakeholders will have a key role.

Question 13 Do you agree with the proposals for regulations relating to the meaning of ‘key agency’?

Yes

Question 14 Do you agree with the proposals for regulations relating to transitional provisions?

It is not appropriate retain the power to create Supplementary Guidance given the provisions of the Act and it would be better not to be creating a requirement for new SGs in current proposed LDPs. The 24 month cut off (from the date LDP Regs come into force) should be for submission to Scottish Government of the SG that the Council proposed to adopt rather than requiring to be adopted within 24 months. Council's have no control over how long the Government takes to give a direction on whether they can proceed to adopt the SG. It is noted in paragraph 43, part 3 of the Draft guidance that guidance produced to assist the LDP will be considered to have a Material consideration. This is an approach the Council has been taking to support its LDP2 adopted in 2021 based on the provisions of the circular. Further explanation and clarity on this position would be welcomed to sure consistency of approach in the use, consultation and production of such guidance.

Part C – Guidance

Question 15 - Do you agree with the general guidance on Local Development Plans?

No - There appears to be limited scope compared to the current process as to what an LDP should contain. As it stands it appears the content of LDPs is dictated by NPF4 with limited opportunity to include local policy or amend the national policies to suit local circumstances. The only policy prescribed is in relation to accessible toilets, water fountains, play areas, disused railways, and self-build housing. Detailed comments are noted below

Paragraph 10 – The reference to “Means it contributes to all outcomes” should be qualified to say it contributes to but is not necessarily the vehicle for delivering these outcomes

Paragraph 11 - Local Development Plans have a timeframe of 10 years but the guidance refers to looking ahead to 20 years. It is not clear how this is to be achieved for example Housing Need and Demand Assessments (HNDAs) and Local Housing Strategies (LHS) are for a much shorter period as are Strategic Housing Investment Programmes (SHIPs) and other programmes. It is also unclear throughout the Guidance exactly how much policy content the LDP can include and on which topics.

Paragraph 14 - It is not clear how the infrastructure assessment is to be carried out or who will be responsible. Is data collected for the whole authority and used to determine the best locations for development? It appears to sit better at a regional level. This approach will be dependent on other stakeholders providing the information required and will need a level of expertise within the planning service to interpret this. Issues in obtaining this information could have serious implications for the LDP preparation programme timescales.

Paragraph 16 - The proposed wording of policies leaves them open to interpretation and would be very difficult to defend against any types of development.

Paragraph 20 - This could reinforce the imbalance of new development being directed to areas that are already well served with access to services and transport links. A focus

needs to be given to areas experiencing inequality from deprivation and housing development directed to areas vital in creating sustainable places and better wellbeing.

Paragraph 21 - NPF and Guidance puts a lot of emphasis on the co-ordinating role of planning. A major change in culture set is required to achieve this.

Page 8 – The Infrastructure First aims are commendable, but how this is to be achieved remains unclear and seems to envisage the LDP will dictate how council funding will be utilised to meet the delivery requirement of the LDP however there are many other demands on this limited capital and revenue funding. The guidance is more wide reaching in terms of the evidence to be gathered as specified in section 15(5) of the 1997 Act so is another example of guidance overtaking legislation requirements.

Question 16 Do you agree with the guidance on Development Plan Schemes?

No this is not realistic unless there is going to be a significant increase in staffing and resources to meet the requirements.

Paragraph 64 - It appears the guidance seeks to impose more onerous requirements than the regulations. This seems very onerous and will contribute to consultation overload.

Paragraph 65 - The Development Plan Scheme should not be required to specify an exact month but a general indication of when the documents will be likely to be published. Experience shows that the development plan timetable always slips, and this is even more likely under the new system when so many of the requirements are dependent on other services and stakeholders providing inputs.

Question 17 Do you agree with the guidance on the Delivery Programme?

This is the most problematic part of the Guidance in terms of changing the process and will require political buy in within planning authorities. The delivery plan has moved from a project management tool to one seeking to dictate how a Councils capital and revenue investment be prioritised to deliver the infrastructure first for development however such LDP needs are only part of the Councils overall financial commitments which are limited. There is also only reference to in para 82 & 86 to developer contributions and no indication to potential for a Infrastructure levy/ Land value capture which is a commitment in itself in the Government work programme . In paragraph 86 there seems to be a misunderstanding as to the capability and level of borrowing which local authorities can undertake.

See detailed comments below

Paragraph 74 - The problem here is who would do this - and how would it be co-ordinated infrastructure. It is all very well for LDP to set out a delivery programme – but will developers and infrastructure providers or even other Council Services pay any attention to it?

Paragraph 79 - The preparation of the delivery programme before work starts on the LDP seems inappropriate.

Paragraph 82 - This is very ambitious but unrealistic in terms of forcing developers to bring sites forward; it depends on viability. The guidance needs to recognise that many of these elements are out with the control of the Council and in the hands of the landowners and private developers.

Paragraph 86 - This would require a total change in the way the Council manages its budgets and would be difficult for planning to realistically take the lead on this.

Question 18 Do you agree with the guidance on Local Place Plans?

The guidance needs to be clearer about how a LDP 'takes into account' what is in a LPP and balance this against other NPF requirements such as infrastructure first. If a settlement has ample infrastructure capacity and is in a sustainable location what happens if the LPP says it doesn't want any new development? This paragraph also suggests that weight needs to be given to other community led plans which have not gone through the LPP process.

Question 19 Do you agree with the guidance on the Evidence Report?

There are several concerns in relation to the evidence report

1. The amount of information required to be collected much of which is only indirectly related to land use planning
2. The 'schedule 4' style format for presenting the evidence
3. The lack of clarity about what is meant by 'disputes'

See detailed comments below

Paragraph 98 - The list of information that section 3 of the guidance requires to be provided is extensive and much of it is only indirectly related to land use planning. This will not assist with streamlining the planning process and has huge resource and skills implications.

Paragraph 101 – While engagement and consultation is rightly a fundamental requirement of the new planning system there is a danger of 'overkill' and co-ordination is therefore likely to be needed to avoid repetition. It is not clear the merits of engaging at the pre-evidence report stage to the extent suggested both in terms of what those parties listed can add to the process and what will be submitted eg proposed sites. Limiting this to key agencies and other organisations that hold relevant data and targeted consultation to address known evidence gaps would be more beneficial and proportionate.

Paragraph 107 – The timing of this may be problematic. How we handle the place standard work might be an issue – is this to be carried out before or after consultation. There is no reference to monitoring and assessing the industrial land supply which is more central to an LDP than some of the other issues. Clarity is needed on what is meant by 'other impact assessments'

Paragraph 111 - More guidance is needed in relation to Infrastructure First.

Paragraph 114 - Planning documents require to be quasi legal and the evidence will tend to be technical in nature.

Paragraph 123 – More clarity is needed on what is meant by 'proportionate information about the lived experience of those who live and work in a place'? Does this mean consultation events and surveys? Is this different to place standards tool?

Question 20 Do you agree with the guidance on the Gate Check?

The idea that the Gatecheck will reduce the level of debate arising at Examination is unrealistic. If the call for sites is not done until Proposed Plan stage, there will be another debate about the housing land supply in relation to every site that is submitted. Given that it will be a couple of years between Gate Check and examination the position will have changed and Gate Check figures will be out of date. Clarification is also needed in terms of the resubmission process.

Question 21 Do you agree with the guidance on the Proposed Plan?

More clarity is needed on what should be in a proposed plan and how it links to all the different documents/stages of the process.

There is inconsistency about what sort of policy content can be in the new LDPs. For example paragraph 140 refers to new style plans being expected to be place-based: there should be greater emphasis on maps, site briefs and masterplans, with minimal policy wording; whereas paragraph 153 states that any policy wording included in the plan should focus on adding value by providing any necessary detail not provided by the NPF or where national policy does not reflect local circumstances and local variation is therefore considered appropriate. There are numerous issues that are not covered in detail in NPF 4 and there will be 'local circumstances' which could justify a different approach. More clarification of what is meant in para 153 is required. In any event the streamlining of the development plan process seems debatable based on this. There is no reference in the Regulations about what an LDP should include in terms of policy themes.

See more detailed comments below

Paragraph 145 - It is not clear whether there is still a requirement to neighbour notify on new development proposals?

Paragraph 149 – The language here is not clear and means the status of each document is uncertain eg LDP to 'take account of' NPF and LDP to 'have regard to' RSS.

Paragraph 153 - This is a crucial paragraph in the guidance and needs further explanation of what is meant by 'added value' and 'where national policy does not reflect local circumstances'. This could be open to interpretation. There appears to be no legislative framework that specifics on how national policies can be altered and the process for this.

Paragraph 154 – clarity is needed on what ideas are being called for. This is another aspect that is not addressed in the Regulations so clarity on its status is needed.

Paragraph 156 - The onus should be on developers submitting sites to demonstrate that they are deliverable. Any 'additional infrastructure appraisal work' should also be undertaken by developers. It should not be the responsibility of the Council to ensure that sites suggested to it are deliverable and to obtain the information to justify this.

Paragraph 159 – Inevitably however consultants submit unnecessary information. How is this going to be prevented. Clarity needed on what is meant by limited supporting productions - maybe reference to 'productions to demonstrate deliverability' might be better.

Paragraph 160 – This appears to suggest each objector objecting to their site not being in the plan must canvass local support for it – if so it would be confusing for the public.

Paragraph 162 – More clarity is needed in terms of the status of the Modifications Report and whether it has to be published and advertise; approved by the Council; and subject to consultation.

Question 22 Do you agree with the guidance on Local Development Plan Examinations?

The Council in general agrees with the proposed terms of this section of the guidance. However, it appears the guidance seeks to impose more onerous requirements than the regulations.

A Reporter's having ability to strike down a proposed LDP on the basis that Housing Land is Insufficient in the Proposed LDP has severe consequences. Guidance should be clear that Reporters should only be considering this step where they do consider that the housing land shortfall can be resolved via modification of the proposed LDP. In addition the guidance on the Housing Land Supply Calculation method does not help to clarify the Government's

preferred calculation method and further detailed guidance on this will be required given legal challenges in recent years

It does not appear that there is a requirement to submit the Evidence Report nor the HRA and the Transport Appraisal.

800 words per issue may be a bit low if there are multiple objectors raising slightly different points or it is a complex argument eg Housing Land.

If it is not made clear in the guidance and regulations the circumstances in which LDPs can diverge from or expand on the policies in NPF there is a danger that a Reporter could find a plan to be 'inconsistent with the NPF'.

Question 23 Do you agree with the guidance on Adoption and Delivery?

No comment

Question 24 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Sustainable Places (paragraphs 240 – 247)? Yes / No / No View Please explain why you agree or disagree.

If section 3 is the bridge between the LDP process and the thematic policy content of NPF4 this needs to be explicitly referenced in NPF 4 to give it the necessary weight.

The wording in para 249 about taking a holistic approach should be referred to here also.

The Regional Spatial Strategy and Population data and projections should inform the entire LDP and not be specific to a particular theme?

Some of the terms require further clarification of what information should be collected – for example 'strategic land use tensions'

Maybe this table needs to be categorised into essential data and optional data. If all this must be included in the evidence report it is going to be onerous. The resource implications of collecting and analysing all this data are huge and will rely to a great extent on other council departments and stakeholders to make their data available. Some of these requirements will also require external experts to assist the Council with either obtaining data and/or interpreting it to meet the requirements of this guidance, especially as it will be assessed at the gate check by a Reporter.

The section seems light on the climate emergency and nature crisis elements that are at the heart of NPF4.

Further clarity is required on what the Scottish Government specifically mean by '*an understanding of the natural assets and existing nature networks*' in an area.

Question 25 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Liveable Places (paragraphs 248 – 283)? Yes / No / No View Please explain why you agree or disagree.

20 minute neighbourhoods –

The 20 minute neighbourhood concept in the Draft NPF4 does not seem well thought out to address rural areas. It would be beneficial to set out the concept more simply in the NPF4 and then provide detailed guidance to enable Council's to develop in a bespoke manner that works for their respective areas. This concept is being promoted as the way forward for local development planning, but it will need a lot of further consideration and further detailed guidance before it can be implemented in practice.

There is reference to data on 'local liveability' which is not defined. This is not currently collected or mapped and includes a qualitative assessment of the services, facilities, and assets in an area. It is unclear from the guidance what data is required. However, it will rely on information from other council services and agencies. This is new work and will have resources and skills implications for planning authorities.

Infrastructure First

This is another significant area of work not currently undertaken by planning, and which will rely on inputs from other services and agencies. Some of the requirements in para 255 go beyond the remit of planning. It seeks evidence reports to provide data on infrastructure 'within a district but also which serve a district' but is not clear what this means. It may be a wider strategic element which RSS could address. Figures 8,9 & 10 on Investment & Travel are helpful and could be better imbedded within the NPF4 itself.

Sustainable Transport and Travel

There is overlap with this section and the infrastructure first section, this could cause confusion. The audit of the transport infrastructure, services and capacity of the area should perhaps be carried out through a Local transport Strategy.

Heating and Cooling

There is still a lack of guidance on how to do heat mapping and a lack of resources and skills to undertake this

Blue and Green Infrastructure, Play and Sport

Staffing constraints are going to make it difficult to have an approved open space strategy and a forest and woodland strategy to submit with the evidence report.

Sustainable Flood Risk and Water Management

This is the first time a Strategic Flood Risk assessment has been referred to and it not clear what it cover and who carries it out. It would make more appropriate to assess flood risk at the proposed plan stage when there are new development proposals to assess (this also applies to most of the other assessments required)

Question 26 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Productive Places (paragraphs 284 – 296)? Yes / No / No View Please explain why you agree or disagree.

The Evidence Report should also be informed by and have regard to the impact of development at a local level on settlements, sites and landscapes and not just those which are national and international in scale. Green energy will be able to be located anywhere if it does not impact at national or international level which removes the balance of "right development in right place" for most of the remainder of rural Scotland to benefit of urban Scotland. This is not undermining the need for such green energy but not without have some balance on the impact on local, mostly rural, areas.

There are a lot of onerous new data requirements for some topic areas and an absence of any evidence requirements for others (e.g., renewable energy, culture and creativity and tourism).

Land and Premises for Business and Employment

Less than an annual audit for employment land is not appropriate. This should tie into the regional economic strategy and use their forecasting. – there is no point in doing it separately at LA level. There has been a lot of work done through the RSS on establishing a methodology for establishing the need for employment land. This should not be abandoned. There is a role for RSS in this element of the guidance. Clarity is needed on a methodology for establishing employment need.

Green Energy

The evidence requirements for renewable energy seem very 'light'. There is no requirement to provide evidence on the current level of renewable energy provision and critically no reference to future capacity.

Minerals

Clarity is needed on what is meant by a market area for minerals and whether the 'latest aggregates survey' is a local survey or a national one.

Question 27 Do you agree with the proposed guidance on the Evidence Report in relation to the section on Distinctive Places (paragraphs 297 – 310)? Yes / No / No View Please explain why you agree or disagree.

Much of the information required is highly specialised and Councils will not likely have the staff or the resources available to do a lot of it. There are insufficient hooks in the NPF policies. There is no point in collecting all this data if there are no criteria in the policies which require it to be used in the assessment of applications. Specific comments are noted below

City, Town, Commercial and Local Centres

Clarification is needed on the scope of the 'retail study' referred to in para 299?

Urban Edges and the Green Belt

Guidance on what sort of evidence is required for the Green Belt review and potentially a landscape capacity study is required.

Rural areas

The guidance refers to the need to identify types of rural area 'where appropriate. This implies that it will not always be relevant to do this. This policy area really needs clarified and made clear how and where their rural typology will apply. There is potential for different authorities to interpret this in different ways leading to cross boundary issues.

Natural Places/Forestry/Woodlands

The guidance proposes a need to review any local nature conservation and landscape designations for the evidence report but will also include Special Landscape Areas. SLA as a reason for refusal). It would be helpful if NPF referred to these strategic data sets (ancient woodlands/peat) in the relevant policies since they are of national importance. The status of ancient woodlands is not adequately reflected in the NPF policy.

There needs to be clarification on what circumstance the NPF policies can be amended for local needs. If this is not clearly set out in the Regulations and guidance there could be endless legal challenges.

Question 28 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Sustainable Places (paragraphs 317 – 328)? Yes / No / No View Please explain why you agree or disagree.

Generally the thematic guidance in the draft NPF4 is currently not well developed. Even if the final NPF4 thematic guidance is good that does not mean that there isn't a place for good quality local thematic guidance to be set out within the LDP.

There are several new requirements in the table for the LDP spatial strategy that are going to be difficult to carry out and need better guidance. The language used (particularly para 327) is very emotive and subjective and doesn't always clearly set out what LDPs are meant to do for example

1. Understanding of emissions likely to be generated by the plan's proposals
2. Address risks to investment, infrastructure, and people
3. Retrofit climate change solutions
4. Respond to strategic land use tensions
5. Address community wealth building
6. Identify areas where development won't be supported due to effects of climate change
7. safeguarding land for negative emissions technology
8. requirements for ancillary infrastructure to support renewable heat.

Question 29 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Liveable Places (paragraphs 329 – 400)? Yes / No / No View Please explain why you agree or disagree.

Infrastructure First

The guidance envisages there will be a clear and committed path to the funding of infrastructure which would require the councils capital and revenue investment be prioritised to deliver the infrastructure first for development however such LDP needs are only part of the Councils overall financial commitments which are limited. There is also only reference to developer contributions and no indication to potential for Infrastructure levy/ Land value capture which is a commitment in itself in the Government work programme. We note that it in para 340 its sought to for the LDP to set out contribution, type methodologies level and location however this is more properly set out in SPG due to the level of detail and need for robustness. Setting it out in the LDP would be contrary to other parts of guidance which seeks to reduce such detail in the LDP

Sustainable Transport and Travel

At Para 366 it is stated that transport strategy can assist identifying developer Contributions but previous comments about lack of progress on levy/land capture value apply here and especially that current legal prohibition which preclude or make it difficult to take contributions for Strategic transport interventions from numerous developments. The reference to not progressing land where transport infrastructure cannot be identified but more crucially delivered is welcome. It should also include, where it is not possible, to identify funding solutions.

20 Minute Neighbourhoods

As per previous comments, this concept is being promoted as the way forward for local development planning. The concept is welcomed in principle, but it will need a lot of further consideration and further detailed guidance before it can be implemented in practice. It may be difficult to retrofit new services and facilities into existing neighbourhoods. There are issues around the availability of funding to provide new public services and facilities and

this could raise false hopes among residents. There will also be certain areas where the market is reluctant to invest.

Blue and Green Infrastructure, Play and Sport

The heading is Blue and Green Infrastructure, Play & Sport but in para 383 and 388 there is no reference to sport. Play areas are distinct and additional from those required for sport so this needs further expansion & clarification. The majority of this seems reasonable but will depend on the open space strategy being ready in time to inform the LDP. Targeting development to where it can help address gaps in the green network (para 386) is only appropriate if that development meets a whole range of other policy criteria first. This could be used by developers to promote otherwise unacceptable sites.

Question 30 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Productive Places (paragraphs 401 – 424)? Yes / No / No View Please explain why you agree or disagree.

There is a lack of balance within the section – excessive guidance for digital technology but barely anything for renewable energy.

Figure 13 introduces matters to be identified that have not previously been referred to in the NPF 4 policies or the Regs

1. identify appropriate locations for significant business clusters (Enterprise Areas, business parks, science parks, large and medium-sized industrial sites, and high amenity sites) (para 404)

If this is required it should be in the policy in NPF.

In terms of identifying areas viewed as potentially suitable for wind energy development are they wanting us to go back to areas of search for windfarms – this seems to be at odds with their whole approach in NPF which is that everywhere is potentially suitable unless it is a national scenic area or national park? On this basis the whole of south Lanarkshire is suitable.

Question 31 Do you agree with the proposed guidance on the Proposed Plan in relation to the section on Distinctive Places (paragraphs 425 – 466)? Yes / No / No View Please explain why you agree or disagree.

The main issue with this section is the confusion it creates with all the different definitions of rural area. It is unclear what LDPs are to achieve.

The greenbelt guidance could be clearer and it is concerning that certain existing uses in the greenbelt are not to be covered by the designation and the implications this will have should they fall out of use

In terms of figure 14 the approach what is meant by ‘rural’ in the context of this guidance needs to be clarified and which elements of the guidance apply in particular locations. There are references to rural areas, pressured rural areas, accessible rural areas and remote rural areas but no criteria for deciding where these are. There needs to be some common agreement so that for example accessible rural area in south Lanarkshire is similar in character to accessible rural area in neighbouring authorities. It is also not clear whether rural housing provision and rural resettlement apply to all areas defined as rural? This could lead to a proliferation of development in the countryside which is counter to sustainability objectives.

City, Town, Commercial and Local Centres

It is not clear how local centres fit into the 20-minute neighbourhoods concept. What are emerging or new centres? Is this what is currently out of centre retail locations. Para 427

suggests identifying neighbourhood centres within cities as town centres and further clarity needed on that.

Urban Edges and the Green Belt

Para 442 contains some useful statements about the functions of Green Belts, but the last sentence effectively downplays their importance. If all these uses in the countryside (para 446) are excluded from the Green Belt what designation do they have on the LDP map. If they are 'white' does this make them available for development should the existing use ceases.

Vacant and Derelict Land and Empty Buildings

No distinction is made between derelict or vacant land in the urban area or in the rural area however they are very different things and can lead to issues especially in the rural area relating to previously used land and housing developers. VDL should be assessed for its importance in terms of biodiversity and contribution to nature networks before it is considered for built development. It needs to be made clear that rural derelict sites are not a priority for built development. Brownfield sites in the middle of the countryside are not any more sustainable than planned greenfield release on the edge of settlement.

Rural Places

The guidance states that plans should identify accessible, intermediate and remote areas across mainland and island however it must be made clear whether each LDP must identify these three categories or are there national criteria. It is not clear what pressurised rural areas are and whether they sit beyond the Green Belt (if an LDP identifies a Green Belt). The terminology in this section is confusing. New houses within the rural area (although it is not clear what is meant by a rural area) are often unaffordable and cater to luxury housing. Direction must be given whether there will be a focus on expanding rural existing settlements, or new sporadic house groups. There is a risk of suburbanising the countryside with new large house groups that are developer led.

Question 32 Do you agree with the proposed thematic guidance on the Delivery Programme (paragraphs 467 – 482)? Yes / No / No View Please explain why you agree or disagree

Masterplan Consent Areas

Expecting an LDP to set out sequencing and interventions for VDL which is not in its ownership is not realistic. Presumably this only applies to sites which have an actual development proposal, not all VDL?

Indicative Costs

It is not clear how Councils are to collect data on the indicative costs of LDP proposed developments. This would be impossible for larger sites such as development framework sites as the eventual mix of uses is unknown at this stage. It sounds as if the LDP is only to include sites with firm development proposals which are well advanced and have a developer on board. This won't allow the promotion of longer term development opportunities through this process.

Links between Housing Documents

The link between LHS and LDP is confusing and assumes the LHS being reviewed in the timescale of the LDP. Links to whether the HLR is still relevant.

Funding Mechanisms

With reference to the need to consider potential funding mechanisms and sources for capital and revenue funding, for transport infrastructure in the plan, including developer contributions, this information would have to be obtained from elsewhere.

